

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BEFORE THE NATIONAL LOK ADALAT
CIVIL APPELLATE JURISDICTION
**FIRST APPEAL (STAMP) NO. 4350 OF 2017
WITH
CIVIL APPLICATION NO. 4097 AND 4098 OF 2017**

Bajaj Allianz General Insurance Co. Ltd. ..Appellant/Applicant
versus
Asif Abdull Ajij Tamboli (dead) and ors. ..Respondents

Mr. D.S. Joshi for the Appellant/Appellant.
Mr. Jaid A. Bagwan for the Respondent Nos.1 (a), 1(b),1(c),1(d) &1(f).

CORAM : N. R. BORKAR, J.
(HEAD OF THE PANEL)
: Y.A.RANE, REGISTRAR
(INSPECTION -II), MEMBER
: D.N. KHER, COURT RECEIVER
MEMBER

DATE : 8th FEBRUARY, 2020

P.C. :-

- 1] Upon mentioning, taken on board.
- 2] Today, Mr.Jaid A. Bagwan, learned counsel has tendered Vakalatnama on behalf of respondent Nos.1(a), 1(b),1(c), 1(d) and 1(f) and the same is taken on record.
- 3] Parties have settled the matter amicably and filed the consent terms, which are duly signed by the parties and their advocates. In the consent terms, it is mentioned that respondent No.1(e) has died during pendency of the present appeal. The death certificate in support of the same is taken on record.

- 4] The consent terms along with annexures are taken on record and marked as **“X colly”** for purpose of identification.
- 5] The Appeal is disposed of in terms of the consent terms.
- 6] The appellant – insurance company is directed to deposit an amount of Rs.25,75,000/- (Rupees Twenty Five Lakhs Seventy Five Thousand) before the Claims Tribunal, Pune within four weeks from today.
- 7] On deposit of amount of Rs.25,75,000/- (Rupees Twenty Five Lakhs Seventy Five Thousand), an amount of Rs.5,00,000/- (Rupees Five Lakhs) each shall be invested in Fixed Deposit in the name of respondent Nos.1(c) and 1(d) in any Nationalised Bank for a period of three years. After such deposit, an amount of Rs.5,00,000/- (Rupees Five Lakhs) shall be paid to respondent No.1(f), Rs.3,00,000/- (Rupees Three Lakhs) shall be paid to respondent No.1(b) and rest of the amount shall be paid to respondent No.1(a).
- 8] In view of disposal of appeal, Civil Applications do not survive and the same are disposed of.
- 9] The appellant shall be entitled to refund of court fees as per rules.
- 10] Award be drawn accordingly.

(N. R. BORKAR, J.)
HEAD OF THE PANEL

(Y. A. RANE)
MEMBER

(D.N. KHER)
MEMBER