

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

FIRST APPEAL NO. 1191 OF 2019

The New India Assurance Co. Ltd. ... Appellant
V/s.
Vijaykumar Gajanan Gosavi & Ors. ... Respondents

Mr. S. M. Dange, for the Appellant.

Mr. P. J. Pawar, for the Respondent Nos. 1 to 4.

Ms. Pooja Yadav a/w. Mr. Jyotishwar Bhosale, for the Respondent Nos. 6 to 7.

CORAM : R.D.DHANUKA,J.

DATE : 28th January, 2020.

P.C.:-

1] Learned counsel appearing for appellant and respondents have no objection for disposal of this matter finally. Statement is accepted. It is further agreed that no reasons are required to be recorded by this Court.

2] By consent of parties the First Appeal No. 1191 of 2019 is disposed of on following terms:-

3] Judgment and award dated 4th October 2014 passed by the Tribunal is substituted by the following order.

(i) Respondent Nos. 1 to 4 would be entitled to recover a sum of Rs.46,00,000/- from the appellant with interest

@ 9% p.a. from the date of filing of the claim application till the date of realization of amount, after deducting amount already withdrawn by the Respondent Nos. 1 to 4.

(ii) The balance amount shall be withdrawn from the amount deposited by the appellant with the MACT Satara.

(iii) If there is surplus left after paying the decretal amount, same shall be refunded to the appellant by MACT Satara.

(iv) Office is directed to transmit the statutory deposit of Rs.25,000/- to M.A.C.T., Satara if not transmitted so far.

4] First Appeal is disposed of in aforesaid terms. Refund of the Court fees as per rules.

5] Parties as well as M.A.C.T. Satara, to act upon authenticated copy of this order.

[R.D.DHANUKA, J.]