

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

FIRST APPEAL NO. 1232 OF 2017

The New India Assurance Co. Ltd.	...	Appellant
V/s.		
Mr. Aniket Ravindra Sakpal & Anr.	...	Respondents

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

Mr. B. B. Gadhavi a/w. Mr. Vaibhav Kulkarni for the Respondent No.1.

CORAM : R.D.DHANUKA,J.

DATE : 28th January, 2020.

PC:-

1] Learned counsel appearing for the appellant and respondent no.1 jointly agreed for disposal of the First Appeal No. 1232 of 2017 finally at the admission stage. 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. 1232 of 2017 is disposed of on following terms :-

3] Judgment and award dated 7th April 2017 passed by the Tribunal is substituted by the following order :-

(i) Respondent No.1 would be entitled to recover a sum of Rs. 48,00,000/- from the appellant with interest @ 9% p.a.

from the date of filing of the claim application till the date of realization of amount inclusive of NFL compensation amount.

(ii) If there is shortfall amount found by the MACT, Mumbai, the said amount shall be deposited by the appellant within two weeks from the date of computation of the shortfall amount.

(iii) If there is any surplus deposit by the appellant, the same shall be refunded to the appellant after paying decreetal amount to the Respondent No.1.

4] First Appeal is disposed of in aforesaid terms. Refund of the Court fees, if any, as per rules. If statutory deposit of Rs.25,000/- is not transmitted to the M.A.C.T, Mumbai, same shall be transmitted expeditiously.

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

[R.D.DHANUKA, J.]