

**IN THE LOK ADALAT PRESIDED OVER BY
HON'BLE SHRI JUSTICE S. G. MEHARE,
HELD ON 01.08.2021
AT HIGH COURT LEGAL SERVICES SUB-COMMITTEE AT
AURANGABAD**

904 CIVIL APPLICATION NO.3010 OF 2014
IN FAST/7087/2014 WITH CA/3011/2014 IN FAST/7087/2014
WITH FAST/7087/2014

ICICI LOMBARD GENERAL INSURANCE COMPANY LTD.
THROUGH MANAGER AURANGABAD
VERSUS
JANARDHAN CHAMPATI DHAVSE AND OTHERS

...
Advocate for Applicant : Mr. A.G. Choudhari.
...

ORDER

1. The present case is placed before us in today's Lok-Adalat.
2. The present Civil Application is for condonation of delay in preferring the appeal against the impugned Award passed by the learned Member M.A.C.T. Nanded in M.A.C.P. No.321 of 2008 dated 24.10.2013.
3. The learned counsel for the appellant / insurance company would submit that the dispute has been settled between the present appellant and the original claimants before the learned Member M.A.C.T., Nanded in M.A.C.P. (R.D.) No.66 of 2020. He placed the certified copy of the settlement taken place before the M.A.C.T., Nanded. It is taken on record and marked as 'X'.

4. None present for respondents / claimants.

5. The learned counsel for present appellant wants to withdraw the appeal since dispute is settled as per document 'X'. No prejudice shall be caused to the claimants. He makes a statement that final settlement is arrived at for Rs.3,00,000/- (Three Lacs only). The appellant agreed to pay the entire compensation. The statutory amount of Rs.25,000/- (Twenty Five Thousand only) is lying with this Court. In terms of settlement, the entire amount deposited with this Court may be withdrawn by the claimants on its transmission to the learned M.A.C.T., Nanded. As the dispute is finally settled, the company does not want to proceed with the appeal which is yet to be registered. He also agreed to pass the final orders on this application. In view of the above factum and submissions, the following order is passed :

ORDER

- (i) The appellant-insurance company is allowed to withdraw the appeal and application stands disposed of.
- (ii) The amount deposited by the appellant in this case, if any and lying with this Court be transferred to the M.A.C.T., Nanded in execution proceeding along with accrued interest.

- (iii) The learned Member M.A.C.T., Nanded, shall disburse the amount received from this Court amongst the claimants / D.H. according to the law.
- (iv) The claimants / D.H. shall be entitled to recover the amount of compensation as settled, if not satisfy the Award.
- (v) The Court fee refund certificate be issued as per the provisions under the Maharashtra Court Fees Act, 1959.
- (vi) Civil Application, if any, stands disposed of.

(S.P.Brahme)
Advocate
Member

(S.G.Shete)
District Judge (Retd.)
Member

(S.G.Mehare, J.)
Judge
Head of the Panel

Date: 01.08.2021
Place: Aurangabad

vmk/