

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

BEFORE SPECIAL LOK ADALAT

FIRST APPEAL NO. 1333 OF 2015

The New India Assurance Company
Ltd.

....Appellant

v/s.

Yogita Babaji Daundkar and ors.

.... Respondents

Mr. D.S. Joshi for the Appellant.

Mr. Mahesh Sheguri for the Respondents.

**CORAM : S. M. MODAK, J.
D.S.DESHMUKH, REGISTRAR
JUDICIAL-II.
K.N. SHINDE, DEPUTY
REGISTRAR (PERSONNEL).**

DATE : 06th FEBRUARY, 2021.

P.C. :-

. Not on board. Taken on board.

2. The Appellant through their authorized signatory is present. Respondent Nos.1 and 4 are present. Respondent Nos.2 and 3 are minor. On behalf of them, Respondent No.1 seeks permission of settlement. According to her, she settle the claim for the better interest of minor Claimant Nos.2 and 3. Permission granted. Both the parties have filed Consent Terms. The Consent Terms are taken on record and marked as 'Exhibit – X' for identification.

3. In Consent Terms, in paragraph No.4, it is specifically mentioned that the above settlement is in the interest of minor - Respondent Nos.2 and 3. As per the Consent Terms, an amount of Rs.25,13,279/- was deposited before the Claims Tribunal, Pune. All the parties have accepted the Consent Terms. The Respondent Nos.1 to 4 have agreed to accept the compensation of Rs.22,00,000/- excluding Rs.50,000/- of NFL amount which was already paid. Hence, the following order :-

(a) The Appeal is disposed of in terms of the Consent Terms.

(b) Out of an amount of Rs.21,50,000/-, the Claims Tribunal, Pune is directed to make payment to the Respondent Nos.1 to 4 as follows :-

(i) **Rs.10,00,000/-** (Rupees Ten Lakhs) to be paid to Respondent No.1 – Smt. Yogita Babaji Daundkar ;

(ii) **Rs.1,50,000/-** (Rupees One Lakh Fifty Thousand) to Respondent No.4 – Sou. Sushila Swami Daundkar ;

(iii) **Rs.5,00,000/- each** (Rupees Five Lakh each) to the Respondent Nos.2 and 3 to be deposited in the form of fixed deposit in any nationalized bank initially for a period of three years and thereafter, be renewed from time to time till attaining their age of majority. Respondent No.1 is entitled to receive the

interest accrued on the fixed deposit.

(c) Statutory deposit along with accrued interest thereon, be transferred to the concerned Claims Tribunal forthwith.

(d) R&P, if any, be sent back forthwith.

(e) Court fees, as permissible under the rules, be refunded.

(f) All pending Civil Applications, if any, stand disposed of.

**Preeti H.
Jayani**

Digitally signed by
Preeti H. Jayani
Date: 2021.02.15
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(K. N.SHINDE)

(D.S. DESHMUKH)

(S. M. MODAK, J.)