

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BEFORE SPECIAL LOK ADALAT
CIVIL APPELLATE JURISDICTION**

**FIRST APPEAL NO.1813 OF 2011
WITH
CIVIL APPLICATION NO.3001 OF 2012
IN
FIRST APPEAL NO.1813 OF 2011**

The New India Assurance Co. Ltd.

....Appellant

Versus

Ramjan Gani Pathan and Ors.

....Respondents

Mr. Sandeep S. Jinsiwale for the Appellant.

Mr. Vikas Kolekar for Respondent Nos.3 and 4.

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

DATE : 6th FEBRUARY, 2021.

P.C. :

. Respondent No.1-Ramjan Gani Pathan has expired on 7/2/2019. A photo copy of the death certificate tendered today is taken on record and marked as Annexure "X". Respondent No.2-Roshan Ramjan Pathan is the legal representative. Apart from that Ramjan is having one son viz. Firoz. Firoz is not having any objection to pay the amount to his mother Respondent No.2-Roshan.

2. This claim for compensation is on account of death of son Althaf Pathan of Respondent Nos.1-Ramjan and 2-Roshan. The Appellant/Assurance Company is having no objection. The name of Ramjan Gani Pathan be deleted.

3. They have settled the matter and filed Consent Terms. It is taken on record and marked as Annexure "B". Respondent No.2-Roshan is present through power of attorney holder Shahrukh Ismail Pathan. The copy of power of attorney is filed along with Consent Terms marked as Annexure "C". He admits the contents of the Consent Terms. It is signed by the learned Advocate for the Respondent as well as by the learned Advocate for the Appellant and authorized officer of the Appellant.

4. Out of the deposit amount i.e Rs.6,25,379/-, the appellant will get back Rs.1 Lakh and remaining amount to be paid to the Respondent No.2 excluding the amount of Rs.80,000/- already withdrawn. Hence the appeal is disposed of in terms of the Consent Terms.

5. The Appellant be refunded the court fees as per Rules.

6. The statutory deposit be transferred along with accrued interest to the concerned Claim Tribunal.

7. The Claim Tribunal is directed to refund amount of Rs.1 Lakh along with accrued interest to the appellant after completing

office procedure. The Claim Tribunal is further directed to pay the remaining amount (after deducting Rs.1 Lakh and Rs.80,000/- already withdrawn) along with accrued interest to Respondent No.2 on completion of office procedure.

7. The Appeal is disposed of.
8. Parties to bear their own costs.
9. All pending civil applications, if any are disposed of.
10. If R & P is there, it be sent back.

(K. N. SHINDE)

(D. S. DESHMUKH)

(S. M. MODAK, J.)

R.S.
Karve

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R.S. Karve
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