

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

FIRST APPEAL NO. 423 OF 2021

The Divisional Officer
The New India Assurance Co. Ltd. ...Appellant
Versus
Sana Kausar Arshad Ahmad & ors. ...Respondents

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SUBHASH
KULKARNI

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Ms. Shalini Shankar, for the Appellant.
Mr. Pritesh Bohade, for the Respondent no.1.

CORAM: N. J. JAMADAR, J.
DATED : 29th OCTOBER, 2021

PC:-

1. Heard the learned Counsels appearing for the Appellant/ Insurance Company and the Respondents.
2. The consent terms are filed in the Appeal, which are taken on record and marked 'X1'.
3. The consent terms record that the Appellant had deposited the decretal amount in the Appeal and the Claimants have agreed to waive an amount of Rs.25,000/- from the decretal amount inclusive of no fault liability alongwith the accrued interest. On such a settlement being worked out, it is agreed that MACT, Nashik, shall permit withdrawal of the amount deposited by the Appellant alongwith the interest accrued

thereupon after deducting the amount which has been already permitted to be withdrawn.

4. Since the matter is being settled, the Appellant shall also be entitled for refund of statutory deposit, which shall be transferred to the MACT, Nashik, and be paid to the Appellant. As far as the refund of court fees is concerned, since the First Appeal filed by the Appellant is sought to be withdrawn, the Appellant will be entitled for refund of the amount, as per the Rules that are applicable.

5. In the light of the aforesaid consent terms signed by the Appellant and Respondent No.1 alongwith their respective counsels and the consent terms being accepted and taken on record, the First Appeal is permitted to be withdrawn. The permission as regards refund of court fees and the permission to withdraw the statutory deposit are granted.

[N. J. JAMADAR, J.]