

Ajay

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

FIRST APPEAL (ST) NO.28625 OF 2017
WITH
INTERIM APPLICATION (ST) NO.23673 OF 2021
WITH
CIVIL APPLICATION NO.3405 OF 2017
WITH
INTERIM APPLICATION NO.3299 OF 2019
IN
FIRST APPEAL (ST) NO.28625 OF 2017

The New India Assurance Co. Ltd. .. Appellant
Versus
Prafulla Dinkar Dev and Ors. .. Respondents

-
- Mr. Shrikant M. Dange, Advocate for the Appellant
 - Mr. Pritesh Bohade, Advocate for the Respondents
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CORAM : SHRI. MILIND N. JADHAV, J.

SHRI. D.N. KHER
(COURT RECEIVER) &

SHRI. S.K. DHEKALE
(Dy. REGISTRAR, COURT RECEIVER)

DATE : 11th DECEMBER, 2021.

P.C.:

. Heard learned counsel appearing for the parties.

2. Interim Application (st) No.23673 of 2021 for bringing legal heirs of deceased Respondent No.1 - Prafulla Dinkar Dev who has

expired on 10.08.2018 during the pendency of the present appeal is allowed. Amendment to be carried out forthwith. Delay in filing the present Application stands condoned.

3. The parties have tendered the consent terms dated 11.12.2021 which have been signed by the Chief Manager and In-charge, Mumbai Legal Hub on behalf of the Appellant - Insurance Company and the Respondent Nos.2 and 3 who are the sole legal heirs of deceased Respondent No.1 and their respective Advocates. The consent terms are taken on record and marked as "X" for identification. The undertakings recorded in the consent terms are accepted.

4. For the sake of convenience, paragraph No.1 of the consent terms is reproduced below since the amounts are written in hand writing and reads thus:

"1. The Appellant shall withdraw amount of Rs.1,50,000.00, with proportionate interest from the above mentioned deposited amount. The Respondent nos.2 and 3 shall withdraw the balance amount being Rs. 10,70,588.00 with accrued interest as and by way of full and final settlement of their claims against the Appellant and the Respondent nos.5 abovenamed"

5. Award be modified and drawn according to the consent terms.

6. First Appeal stands disposed of in the above terms.
7. In view of disposal of Appeal, pending Applications, if any, also stand disposed of.
8. Statutory deposit be transferred to the concerned Tribunal within a period of one week from today.
9. Court fee be refunded as per rules.

[S.K. DHEKALE]

[D.N. KHER]

[MILIND N. JADHAV, J.]

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by AJAY
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