

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

Pursis Stamp No.02/2021
IN
First Appeal No.1487/2019

Bharti Axa General Insurance Co. Ltd. **Vs.** Sau. Malan w/o Shriram Neware & Ors.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders

Shri A.P. Bhuibhar, Advocate h/f Shri R.D. Bhuibhar, Advocate for the Appellant.

CORAM : S.M. MODAK, J.
DATE : 21st APRIL, 2021.

Hearing was conducted through Video Conferencing and the learned Advocate agreed that the audio and visual quality was proper.

2. Heard learned Advocate Shri A.P. Bhuibhar holding for learned Advocate Shri R.D. Bhuibhar for the appellant-insurance company.

3. It seems that the insurance company and the respondent Nos.1 and 2 have settled the matter before the Motor Accident Claims Tribunal, Chandrapur in Execution Case No.57/2019. The copy of the Pursis filed before that Court is annexed.

4. The Claims Tribunal has quantified the compensation at Rs.5,23,600/-. Whereas as per the compromise, they have settled the matter by reducing Rs.25,000/-. The total compensation comes to Rs.6,78,249/- (as described in paragraph 4 of the joint Pursis filed before the Claims Tribunal, Chandrapur).

5. The appellant has already deposited Rs.3,14,160/-. Now, as per the compromise, the compensation remain to be paid by the appellant comes to Rs.3,39,089/-. Both have agreed to withdraw the execution proceedings once the amount deposited in this Court will

be transferred to the Claims Tribunal, Chandrapur.

6. On this background, the appellant is withdrawing the appeal. The notice to respondent Nos.1 to 3 is served. But, they have not appeared.

7. In view of this, the following order is passed:-

ORDER

- a) The appeal is disposed of as withdrawn.
- b) An amount of Rs.3,14,160/- deposited on 5th November, 2019 be transferred to the Motor Accident Claims Tribunal, Chandrapur along with accrued interest.
- c) An amount of Rs.25,000/- deposited on 6th August, 2019 as mandatory deposit be also transferred to the Motor Accident Claims Tribunal, Chandrapur along with accrued interest.
- d) The Motor Accident Claims Tribunal, Chandrapur is directed to disburse the amount to claimant Nos.1 and 2, as per the compromise pursis.
- e) The Motor Accident Claims Tribunal, Chandrapur is directed to refund the amount to the insurance company, if there is due after satisfying the amount as per the compromise pursis filed before them.
- f) All civil applications are disposed of.

JUDGE