

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

First Appeal No.89/2020

Kiran Shriram Wankhade **Vs.** Smt. Smt. Lilabai Wd/o Wasudeorao Raibole & 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.R. Deshpande, Advocate for the Appellant.
Shri N.S. Warulkar, Advocate for Respondent Nos.1 to 4.
Shri V.B. Bhise, Advocate for Respondent No.5.

CORAM : SMT. ANUJA PRABHUDESSAI, J.
DATE : 10th MARCH, 2021.

The Appellant herein has challenged the impugned judgment and award dated 09/01/2018 passed by the Claims Tribunal in M.A.C.P No.209/2008.

02] Learned Counsel for the Appellant and the Respondent Nos.1 to 4 have stated that the parties have settled the matter amicably. They have filed compromise Pursis which are duly signed by the parties and their respective Counsel. The said notarized Pursis read thus:-

“2. That, by way of the present compromise pursis the appellant undertakes that he is ready to pay Rs.3,25,000/- to the respondent no.1 as full and final compensation amount and the respondent no.1 undertakes that she is ready and willing to receive the said amount of Rs.3,25,000/- as full and final compensation amount irrespective of the compensation granted in the award dated 09.01.2018 passed by Motor Accident Claims Tribunal, Akola in MACP No. 209/2008

which is under challenge in the present appeal. It is also agreed between the parties that none of the respondent no. 1 to 4 shall claim any compensation in future in respect of the award dated 09.01.2018 passed by Motor Accident Claims Tribunal, Akola in MACP No. 209/2008.

3. That, the appellant has already deposited Rs.1,00,000/- in this Hon'ble Court as per order dated 17.01.2019. The said amount of Rs.1,00,000/- may kindly be permitted to be withdrawn by respondent no.1-Lilabai and so far as remaining amount of Rs.2,25,000/- is concerned, it shall be paid by Appellant or his counsel to the respondent no.1 or her counsel appearing in the matter, on the day of listing of matter before this Hon'ble Court, by way of Demand Draft No. 456166 dated 23.02.2021 Drawn on the Bank of Maharashtra, Branch Jatharpeth, Akola.

4. That, for withdrawing the aforesaid amount of Rs.1,00,000/- by respondent No.1 and for receiving the amount of Rs.2,25,000/- by the respondent no. 1-Lilabai wd/o Wasudeorao Raibole, the other respondent nos.2 to 4 shall have no objection.

5. Hence, in view of the aforesaid terms and conditions, the present matter is fully and finally settled between the appellant and respondent nos.1 to 4 and now there is no any other dispute or claim is remaining between the parties regarding compensation granted by Motor Accident Claims Tribunal, Akola in MACP No. 209/2008 by Award Dt. 9.1.2018.

6. In view of the aforesaid conditions, the appellant and the respondent nos.1 to 4 shall not file any litigation regarding compensation or shall not claim any compensation towards the death of the husband of respondent no.1 against appellant”.

03] The terms are acceptable to the parties. The statements made by the respective parties are accepted. Learned Counsel for the Appellant has tendered the demand draft in the name of Respondent No.1, for a sum of Rs.2,25,000/- to the learned Counsel representing the Respondent No.1. He undertakes to place on record a photocopy of the said demand draft in the course of the day.

04] The appeal stands disposed as per the compromise terms. An amount of Rs.1,00,000/- deposited before this Court along with accrued interest, if any, shall be transferred to the bank account of the Respondent No.1.

05] Learned Counsel for the Respondent No.1 undertakes to give the details of bank account within two weeks.

(SMT. ANUJA PRABHUDESSAI, J.)