

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD

FIRST APPEAL NO. 3656 OF 2018

Nandkumar S/o Namdev Jadhav  
Age : Major, Occu: Agri.  
R/o : Nandurga, Tq. Ausa,  
District Latur

...Appellant  
(Orig. Resp.No.1)

Versus

1. Manik S/o Arjun Gavali,  
Age: 40 Yrs. Occu: Agri.  
R/o: Nandurga, Tq. Ausa,  
Dist. Latur.

(Ori. Claimant)

2. The Manager,  
The New India Assurance Co.Ltd.,  
Through it's Branch Manager,  
Chandranagar, Latur

(Respondent No.2)

Mr Apparao Yenegure, Advocate for Appellant  
Mr N.D. Kendre, Advocate for Respondent No.1  
Mr M.M. Ambhore, Advocate for respondent No. 2

**CORAM : SHRIKANT D. KULKARNI, J.**

**DATE : 23.02.2022**

**PER COURT :**

1. Mr Apparao Yenegure, learned counsel for the appellant,  
Mr N.D. Kendre, learned counsel for respondent No.1 and Mr M.M.  
Ambhore, learned counsel appearing for respondent No. 2 are present.

2. In pursuance to the order passed by this Court dated 22<sup>nd</sup>  
February, 2022, the compromise/settlement arrived between the parties  
was sent to the Registrar (Judicial) of this Court for verification. After  
verification of the settlement, this appeal has been placed before this  
Court for further orders.

3. Mr N.D. Kendre, learned counsel for respondent No.1/original claimant submits that he has not signed the settlement pursis on behalf of respondent No.1/original claimant. According to Mr Kendre, the settlement pursis has been filed behind his back. As such, he has objection to record the compromise.

4. Ms Deepali Patil, learned counsel submits that she has instructions to appear on behalf of respondent No.1/original claimant in this appeal. She seeks leave to file V.P. Leave granted. She submits that she has signed the compromise pursis on behalf of respondent No.1/original claimant.

5. Mr Yenegure, learned counsel for the appellant submits that the appeal has been amicably settled between the parties at Rs. 2,05,000/- and the terms are arrived between the original claimant and the owner of the vehicle.

6. It is pointed by Mr M.M. Ambhore, learned counsel for respondent No.2/insurance company that the insurance company has been absolved from the liability.

7. The compromise arrived between the parties has been verified by the Registrar (Judicial) of this Court. As such, compromise needs to be accepted. Whatever objections raised by Mr N.D. Kendre, it is a dispute between him and his colleague. Compromise settlement/compromise shall not affect, because of professional hostility.

8. The compromise arrived between the parties appears to be genuine. The amount of compromise arrived between the parties also appears to be just and fair compensation. It must be accepted.
9. The compromise is read and recorded.
10. The Registry is directed to prepare the award in terms of the settlement pursis.
11. The civil application if any also stands disposed of.
12. The appeal is accordingly disposed of.

**[ SHRIKANT D. KULKARNI, J. ]**

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