



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

FIRST APPEAL NO. 4307 OF 2023

New India Insurance Co.ltd. Its Divisional Office No.1 Aurangabad
Through Administrative Officer.

....Applicant

VERSUS

Smt. Savita W/o Sanjay Chavan And Ors

.....Respondent

.....

Advocate for Applicant : Mr. R.R. Imale

Advocate for Respondent Nos. 1 to 5 :Mr. B.A. Dhengle

...

CORAM : S. G. MEHARE, J.

DATE : 31.01.2024

PER COURT :

1. The parties are before the Court.
2. The parties have finally settled the Motor Accident Claim. The original claimants have agreed to settle the claim for Rs. 62,70,360/- (Rupees Sixty Two Lacks Seventy Thousand Three Hundred Sixty only) inclusive of No Fault Liability of Rs. 50,000/-. The compromise pursis has been filed with an application under Order 32 Rule 5 of the Code of Civil Procedure for leave to compromise, it is taken on record and marked as Exh. No.1 and 2. Leave granted to compromise.
3. The parties in persons have been verified before the learned Registrar (Judicial) of this Court. The parties admit the contents of the

compromise pursis. It is accepted. Hence the following order is passed

ORDER

- (i) The appeal is allowed.
- (ii) The impugned judgment and award is quashed and set aside
- (ii) The learned Member, Motor Accident Claim Tribunal, Aurangabad should modify the award as per the compromise pursis Exh.2.
- (iii) All the applicants are entitled to equal share of Rs. 12,49,72/- each.
- (iv) The share of minor applicant Nos. 2 to 4 should be kept in fixed deposit in any of the Nationalized Bank as per the choice of applicant No.1 guardian mother under her guardianship with a right to collect the interest accrued thereon at quarterly rests.
- (iv) The amount of Rs, 5,00,000/- (Rupees Five Lakh) each from the share of claimant No.1 and 5 be deposited in a fixed deposit in any of the National Bank as per their choice for a period of five years with a right to get interest accrued at quarterly rests.
- (v) The balance amount be paid to them by cheques.
- (vi) After adjusting amount of settlement, the balance amount of Rs. 14, 94,909/- (Rupees Fourteen Lakh, Ninety Four Thousand, Nine Hundred Nine) along with accrued interest thereon from the date of deposit, be refunded to the appellant/insurer.
- (vii) The copy of the compromise pursis Exh.2 be sent to the learned Member, Motor Accident Claim Tribunal, Aurangabad for modification of the award.

- (viii) No order as to costs.
- (ix) Court fees be refunded to the appellant as per the rules.
- (x) All pending civil applications stand disposed of

(S. G. MEHARE)
JUDGE

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