

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

903 FIRST APPEAL NO.5058 OF 2017

THE MANAGER, TATA A.I.G. INSURANCE CO. LTD., PUNE
VERSUS
CHANDRAKANT GOVINDRAO KHANSOLE (DIED) THROUGH
LRS SHOBHABAI CHANDRAKANT KHANSOLE AND OTHERS

...
Mr. S. G. Chapalgaonkar, Advocate for Appellant.
Mr. Vaibhav B. Dhage, Advocate for Respondent Nos.1A to 1D/Claimants.
...

AND

CIVIL APPLICATION NO.6843 OF 2022
IN FA/5058/2017

TATA A.I.G. INSURANCE CO. LTD.
VERSUS
CHANDRAKANT GOVINDRAO KHANSOLE (DIED) THROUGH
LRS SHOBHABAI CHANDRAKANT KHANSOLE AND OTHERS

...
Mr. S. G. Chapalgaonkar, Advocate for Applicant.
Mr. Vaibhav B. Dhage, Advocate for Respondent Nos.1A to 1D/Claimants.
...

AND

CIVIL APPLICATION NO.9075 OF 2021
IN FA/5058/2017

CHANDRAKANT GOVINDRAO KHANSOLE (DIED)
THROUGH LRS SHOBHABAI AND OTHERS
VERSUS
THE TATA AIG GENERAL INSURANCE CO. LTD.
THROUGH ITS BRANCH MANAGER, MUMBAI AND ANOTHER

...
Mr. Vaibhav B. Dhage, Advocate for Applicants/Claimants.
Mr. S. G. Chapalgaonkar, Advocate for Respondent No.1.
...

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

DATE : 29th April, 2022.

PER COURT:

. Heard Mr. Vaibhav Dhage, learned counsel for the claimants and Mr. S. G. Chapalgaonkar, learned counsel for the insurance company.

2 Mr. Chapalgaonkar, learned counsel for the insurance company submits that the matter has been amicably settled between the parties. He invited my attention to affidavit sworn by the officer of insurance company. He further invited my attention to the common affidavit sworn by the original claimants stating about the terms of settlement between the parties. He submits that in view of the settlement between the parties, necessary orders need to be passed.

3 Mr. Vaibhav Dhage, learned counsel for the original claimants is in agreement with the submissions of Mr. Chapalgaonkar, learned counsel for the insurance company. He makes his tone in the submissions of Mr. Chapalgaonkar and urged to pass necessary orders so that the applicants/claimants may withdraw the amount as per the settlement arrived between the parties.

4 Having regard to the submissions of Mr. Chapalgaonkar, learned counsel for the insurance company and Mr. Dhage, learned counsel for the claimants, I proceed to pass the following order:

ORDER

- I. First Appeal No.5058 of 2017 stands disposed of in terms of paragraph 4 of the affidavits sworn by the officer of the insurance company and the claimants as well.
- II. The insurance company/TATA AIG Insurance Company Limited shall be entitled to get back Rs.1,00,000/- as per the terms of settlement. The Registry to make payment of that amount to insurance company/TATA AIG Insurance Company Limited.
- III. Remaining balance amount alongwith accrued interest thereon shall be paid to the original claimants as per the settlement between the parties. The Registry to make payment accordingly.
- IV. Statutory deposit of Rs.25,000/- made by the insurance company also be paid to the claimants as per the settlement between the parties.
- V. Award be modified in terms of settlement arrived between the parties as reflected in affidavits

sworn by them in paragraph 4.

- VI. The appeal is accordingly disposed of.
- VII. Court fee refund certificate be issued in favour of appellant/insurance company as per rules.
- VIII. No order as to costs.
- IX. R&P be sent back to the concerned Tribunal.
- X. Civil Application No.9075 of 2021 for withdrawal of compensation amount stands disposed of.
- XI. Civil Application No.6843 of 2022 filed for disposing of first appeal by accepting compromise terms is also disposed of.

[SHRIKANT D. KULKARNI, J.]

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