

Niti

IN THE HIGH COURT OF BOMBAY AT GOA

FIRST APPEAL NO.118 OF 2015

National Insurance Co. Ltd.
Souza Towers, Office No.S/4-5,
Dr. Domingos Souza Road,
Panaji Road.

...Appellant

Versus

1. Dr. Sanjay S. Prabhu Khope
S/o. Suryaji Prabhu Khope
Major, doctor, R/o. 11UG3,
Kamat Complex, Tonca,
Caranzalem, Panaji-Goa.

2. Shri Gurudas Pirankar,
Son of Vithoba Pirankar,
major, service,
(Driver of Swaraj Mazda Tipper Truck)
bearing Regn. No.GA-01-Z-2827)
R/o. H.No. (Not known)
Narbag, Parascade, Pernem Goa.

3. Shri Domnic D'Costa,
son of Rafael D'Costa, major, businessman,
(Owner of Swaraj Mazda Tipper Truck
bearing Regn. No.GA-01-Z-2827)
R/o. H.No.441, Tropa Apartment, Dodem,
Diolim, Bardez Goa.

...Respondents

Mr. U.R. Timble with Ms. Yadika Mandrekar, Advocates for
the Appellant.

Mr. Nitin Sardessai, Senior Advocate with Ms. Gautami
Kamat, Advocate for Respondent No.1.

CORAM : M. S. SONAK, J.

DATE : 25th FEBRUARY 2022

ORAL JUDGMENT :

1. Heard Mr. U.R. Timble with Ms. Yadika Mandrekar, learned Counsel for the appellant and Mr. Nitin Sardesai, learned Senior Counsel along with Ms. Gautami Kamat, learned Counsel for respondent no.1.

2. After this matter was argued for quite some time, the learned Counsel for the parties, based on instructions, consent to the making of the following order :

(a) The impugned order is now modified and the compensation amount of ₹6,94,263/- is now substituted with the compensation amount of ₹4,00,000/-;

(b) The directions for payment of interest are sustained;

(c) The respondent no.1 will now be entitled to withdraw, from the amount deposited by the appellant, compensation as modified above;

(d) The balance, if any, can be refunded to the appellant/Insurance Company;

(e) The parties will provide the calculations and bank details to the Registry and the Registry will then facilitate the withdrawals;

(f) The parties will be entitled to proportionate interest as may have accrued on the deposited amount if the same was invested by the Registry;

(g) The appeal is disposed of in the aforesaid terms by consent;

(h) There shall be no order for costs.

3. The appeal is disposed of in the aforesaid terms.

M. S. SONAK, J.