

Maria S.

**IN THE HIGH COURT OF BOMBAY AT GOA
GOA STATE LEGAL SERVICES AUTHORITY
NATIONAL LOK ADALAT
Sitting:- 12th March, 2022**

Panel – 1: SHRI JUSTICE A. P. LAVANDE
(FORMER JUDGE OF HIGH COURT OF
BOMBAY AT GOA) PRESIDING OFFICER &

SHRI R. G. RAMANI,
(SENIOR ADVOCATE) MEMBER &

SHRI RYAN MENEZES,
(ADVOCATE) MEMBER

**FIRST APPEAL NO.99 OF 2016
WITH
CROSS OBJECTION NO. 3 OF 2017
IN
FIRST APPEAL NO.99 OF 2016**

THE ORIENTAL INSURANCE CO. ... Appellant
LTD., .

VS

ROHIDAS UTTAM DESSAI AND 2 ORS. ... Respondents.

Mr. Santosh Hari Bharne, Advocate for the Appellant.

Mr. S. S. Kakodkar, Advocate for the Respondent No. 1.

WITH
CROSS OBJECTION NO. 3 OF 2017
IN
FIRST APPEAL NO.99 OF 2016

ROHIDAS UTTAM DESSAI. ... Appellant

VS

THE ORIENTAL INSURANCE CO.
LTD. AND 2 ORS ... Respondents.

Mr. S. S. Kakodkar, Advocate for the Appellant.

Mr. Santosh Hari Bharne, Advocate for the Respondent No.1.

MINUTES

1. Mr. Bharne, learned counsel appeared for the appellant and Mr. Kakodkar, learned counsel appeared for the respondent No.1 in First Appeal No. 99 of 2016.

2. This appeal has been preferred by the Insurance Company against the judgment and award dated 18.06.2016 passed by the Motor Accidents Claim Tribunal-II, South Goa, Margao in Claim Petition No.49 of 2012 by which the Tribunal partly allowed the Claim Petition and awarded compensation of Rs.4,04,727/- alongwith simple interest therein @Rs.9% per annum.

3. The Claim Petition was filed on account of injuries suffered by the respondent No.1 and also damage caused to the vehicle involved in accident.

4. The appellant-respondent No.1 have agreed to settle the matter upon payment of Rs.7lacs in full and final settlement of the claim made by the claimant inclusive of no fault liability arising under 140 of the Motor Vehicle Act.

5. During the pendency of the Appeal, the appellant has deposited an amount of Rs.5,72,880/- in the Hon'ble High Court which, according to the Insurance Company has been invested in fixed deposits.

6. In view of the above, the settlement is allowed. The Insurance Company shall pay to the claimant-respondent No.1 in First Appeal No.99 of 2016 the total amount of Rs.7lacs in full and final settlement of the claim including no fault liability. The respondent No.1 is permitted to withdraw the said amount deposited in the Hon'ble High Court alongwith interest, if any, accrued thereon. It is made clear that the respondent No.1 shall be paid Rs. 7Lacs only and in case the amount deposited in the Court alongwith interest exceeds Rs.7 lacs, the same shall be paid to the Insurance Company and in case the amount falls short of Rs. 7lacs the Insurance Company shall deposit the same within period of 4 weeks from today upon which the claimant-respondent No.1 shall be entitled to withdraw the said amount.

7. The appeal with cross objections are disposed of in the aforesaid terms.

SHRI JUSTICE A. P. LAVANDE,
(FORMER JUDGE OF HIGH COURT OF
BOMBAY AT GOA) PRESIDING OFFICER &

SHRI R. G. RAMANI,
(SENIOR ADVOCATE) MEMBER &

SHRI RYAN MENEZES,
(ADVOCATE) MEMBER