

Maria S.

**IN THE HIGH COURT OF BOMBAY AT GOA
GOA STATE LEGAL SERVICES AUTHORITY
LOK ADALAT**

Sitting:- 12th March, 2022

Panel – 2: 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.127 OF 2018

RELIANCE GENERAL INSURANCE COMPANY
LTD., REP. THROUGH ITS SENIOR
DIVISIONAL MANAGER

... Appellant

Versus

FATIMABI ALLABAKASH KABBUR
AND 3 ORS.

... Respondents

Mr. James Lopes, Advocate for the Appellant.

Mr. Preetam Talaulikar, Advocate for the Respondent No.1.

Ms. Rosette Pereira, Advocate for the Respondents No.3 and 4.

WITH
CROSS OBJECTION NO. 10 OF 2018
IN
FIRST APPEAL NO. 127 OF 2018

PRAKASH VOLVOTKAR AND ANR.

... Appellants

Versus

RELIANCE GENERAL INSURANCE COMPANY
LTD.

... Respondent

M I N U T E S

This appeal is preferred by the appellant against the judgment and award dated 10.06.2014 passed by the Motor Accident Claims Tribunal, South Goa at Margao in claim petition No.202 of 2011 by which the claim petition was allowed holding the respondent jointly and severally liable to pay compensation in the sum of ₹13,44,000/- to the respondent no.1/claimant with interest @9% per annum from the date of the application till the date of the award and further interest at the same rate till payment.

2. The claim petition was filed by respondent No.1, being the mother of the deceased in the subject accident.

4. The appellant had deposited the amount of ₹21,62,023/- before this Hon'ble Court during the pendency of the appeal which, the record reveals, was invested in Fixed Deposits. The Insurance Company and the respondent no.1/claimant have filed Consent Terms and the letter dated 11.03.2022 issued by the

authorised signatory of the appellant.

5. The parties have agreed that out of the amounts deposited by the appellant before this Hon'ble Court, an amount of ₹20,00,000/- shall be paid in full and final settlement of the claim of respondent no.1-claimant. The remainder out of the deposited amount, i.e. ₹1,62,023/- shall be returned to the appellant alongwith statutory deposit of ₹25,000/-. The Consent Terms have been filed by the appellant and respondent no.1 and placed at Exhibit 'A'.

6. As the claim petition was a case of death, we deem it appropriate that the respondents no.1-claimant be directed to approach the Hon'ble Court and apply for withdrawal of the same to which they are entitled under this aforesaid settlement in terms of the judgment of the Hon'ble Supreme Court in the case of General Manager, Kerala S.R.T.C v/s. Susamma Thomas [1994 SCC (2) 176].

7. In view of the above and the Consent Terms filed above, the First Appeal and the cross objections therein, stand disposed of accordingly.

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