Santosh

IN THE HIGH COURT OF BOMBAY AT GOA

FIRST APPEAL NO.92/2018

CHOLAMANDALAM MS
GENERAL INSURANCE CO.
LTD., THROUGH THE
LEGAL MANAGER,
RAKESH SOLANKI. … APPELLANT

Versus

1. DUSMANTA GIRI , S/O. Mr. Promod
Giri, aged 27 years, r/o. 3 TR (2STC),
Navelim, Camp, Navelim, Salcete-Goa.

2. TONY D'SOUZA,
S/O Mr. Denis D'Souza,
45 years r/o. House No.59, Telaulim,
Navelim, Salcete, Goa.

3.AUGUSTINHO TEMUDO,
Major in age, r/o. House No.527,
Dongrim, Salcete, Goa. …RESPONDENTS

Mr. James Lopes, Advocate *for the Appellant*.

Mr. R.G. Ramani, Senior Advocate with Mr. Pranav, Advocate *for Respondent No.1.*.

CORAM: M. S. SONAK J.
DATED: 10th March 2022

ORAL JUDGMENT:-

1. The learned Counsel for the parties state that this matter can be disposed of without going into the issues of maintainability based on the agreement that is now reached, to scale down the compensation amount from ₹ 13.45 lakhs to ₹ 11.00 lakhs.

2. The learned Counsel for the parties pointed out that the Motor Accident Claims Tribunal, in this case, had awarded compensation in excess of what is prescribed in the case of ***National Insurance Co. Ltd. vs. Pranay Sethi & ors.*** (2017) 16 SCC 680 under the heads of loss of love and affection; loss of consortium; loss of estate and funeral expenses. The amount now agreed by them is consistent with the ruling in ***Pranay Sethi case*** (supra), except that the amount is now rounded off to ₹ 11.00 lakhs.

3. Accordingly, by consent the impugned Judgment and Award dated 30/8/2017 in Claim Petition No.86/2013 is now modified and the compensation amount is determined at ₹ 11.00 lakhs. Rest of the directions in the impugned award are not interfered with.

4. Mr. Lopes, the learned Counsel for the Appellant states that the entire awarded amount, along with the interest is deposited in this Court. Accordingly, both, the Appellant as well as the Claimants, are permitted to withdraw proportionate amounts, together with proportionate interest that might have accrued thereon.

5. The parties to provide calculations, identification and bank details and the Registry to facilitate the withdrawals by making direct payments into the bank accounts to be indicated by both the Appellant, as well as the Claimants.

6. The statutory deposit amount of ₹25,000/- can also now be withdrawn by the Appellant-Insurance Company, together with interest thereon that might have accrued thereon.

7. This appeal is disposed of, with consent, in the aforesaid terms.

8. There shall be no order for costs.

SANTOSH S MHAMAL Digitally signed by SANTOSH S MHAMAL Date: 2022.03.10 18:25:01 +05'30'

M. S. SONAK, J.