

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
FIRST APPEAL NO.711 OF 2018
ALONG WITH
CIVIL APPLICATION NO.2885 OF 2016

Reliance General Insurance Co. Ltd.] ... Appellant

Vs.

Rahul Vitthal Agvan & Anr.] ... Respondents

...

Mr. Rajesh Kanojia with Ms. Nikita Singh i/b Res Juris for the appellant.

Mr. Rahul S. Kate for the respondents.

...

CORAM : SMT. BHARATI DANGRE, J.

DATED : 05TH APRIL, 2022.

P.C. :-

1. The issue arising in the first appeal has been put to rest by the consent terms drawn between the appellant and respondent No.1 (Claimant).

2. Terms of consent, which are inked by the appellant-

Insurance Company as well as respondent No.1 and his advocate, dated 5/4/2022, are taken on record and marked 'X' for identification.

3. In the consent terms, it is stated that the Insurance Company has deposited an amount of Rs.9,68,467/- before the MACT, Baramati, Pune in furtherance of the award passed by the Tribunal directing to pay compensation of Rs.7,17,702/- along with interest at 9% per annum to the claimant.

4. The settlement worked out by the parties is contained in clauses (a), (b) and (c) of the consent terms, which read thus:

“a) That the Respondent no.1 (original Claimant) shall be entitled for an amount of Rs.9,44,467/- (Rupees Nine Lakhs Forty Four Thousand Four Hundred and Sixty Seven Only) plus proportionate accrued interest from the date of deposit of amount till the date of payment. That the Respondent no.1 was allowed to withdraw 75% of the deposited amount as per the order dated 11.04.2018 passed by the Hon’ble High Court. Needless to mention, the amount so withdrawn by Respondent no.1 shall be deducted from his entitlement under the present consent terms.

b) The Appellant shall be entitled for an amount of Rs.24,000/- (Rupees Twenty Four Thousand Only) plus proportionate accrued interest from the date of deposit of amount till the date of payment.

c) That the Respondent no.1 shall not claim any monies or file any proceedings/suits/any other litigation against the appellant in any court/tribunal/forums, etc. for recovery of monies in respect of compensation which is the subject matter of MACP No.67 of 2012 and Execution Application, if any.”

5. In the wake of the aforesaid settlement being effected, the first appeal is disposed off in terms of the consent terms.

6. The amount of statutory deposit shall be remitted to the Tribunal, to be appropriated by the appellant.

7. The claimant is present in the court and his identity is established on the basis of the Aadhar Card, copy of which is taken on record and marked **‘X1’**.

[SMT. BHARATI DANGRE, J.]