

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**FIRST APPEAL NO.67 OF 2021
WITH
INTERIM APPLICATION NO.384 OF 2021
IN
FIRST APPEAL NO.67 OF 2021**

The New India Assurance Co. Ltd. ...Appellant

Versus

Mrs. Farah Soheli Khan and Ors. ...Respondents

....

Mr. Milind V. More for the Appellant.
Smt. Varsha Chavan for the Respondents.

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATED: 11th MARCH, 2022.

P.C.:-

1. The Appellant-Insurance Company has filed this appeal under Section 173 of the Motor Vehicles Act.

2. Learned counsel for the Appellant and the Respondent Nos.1 to 3 state that the matter has been amicably settled. They have placed on record the consent terms, which read thus:-

“1. The Appellant shall pay to the Respondent Nos.1 to 3 an amount of Rs.65,00,000/- (Rupees Sixty Five Lakh only) inclusive of NFL, it comes to Rs.64,50,000/- (Rupees Sixty

Four Lakh Fifty Thousand Only) by cheque or DDs and as and by way of full and final settlement of their claims against the Appellant by the Respondent Nos.1 to 3 above named. The cheque or DDs of the above stated agreed amount shall be deposited in the office of the MACT, Mumbai within 30 days from the date of settlement Order, failing which the Appellant to pay 7.5% interest on the total amount from the date of settlement Order till realization of the amount.

2. On depositing the entire amount of Rs.64,50,000/- (Rupees Sixty Four Lakh Fifty Thousand Only), the Respondent No.1 (Widow) will be paid Rs.50,00,000/- (Rupees Fifty Lakh Only) by cheque drawn on her name and an amount of Rs.14,50,000/- (Rupees Fourteen Lakh Fifty Thousand Only) will be paid to the Respondent No.3 by cheque drawn on her name.

3. Upon such payment, both the Appellant i.e. the Insurer and the Respondent No.4 i.e. the Insured shall send discharged against all and any liability towards the above named Respondent Nos.1 to 3 in this cause of action.

4. The Appellant have deposited in this Hon'ble Court at the time of filing of the above stated First Appeal the security deposit of Rs.25,000/- (Rupees Twenty Five Thousand Only), the said deposit shall stand transferred to the lower court.

5. The Appellant shall be entitled for refund of Court fees as per the rules.

6. No parties shall have any claim against each other in future in this cause of action.

7. The parties shall bear their own costs, the Authorized Officer of the Appellant and the Respondent Nos.1 to 3 are present in person in this Hon'ble Court.”

3. The Manager, authorised signatory of the Appellant-Insurance Company and Respondent Nos.1 and 3-original claimants are present before the Court. They have identified their signatures and confirmed the terms of the settlement. The consent terms are taken on record and marked 'X' for identification.

4. The appeal stands disposed of in view of the consent terms. Court fees as permissible under rules be refunded. The statutory deposit of Rs.25,000/- be transferred to M.A.C.T., Mumbai.

5. Civil application stands disposed of in view of disposal of the appeal.

(SMT. ANUJA PRABHUDESSAI, J.)