

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**CIVIL APPELLATE JURISDICTION**  
**FIRST APPEAL NO.828 OF 2012**

The Oriental Insurance Co. Ltd.                      ]    ...    Appellant

Vs.

Usha Hemant Hotkar & Ors.                      ]    ...    Respondents

...

Ms. Urmila K. Sanil for the appellant.

Ms. Kavita Anchan i/b Mr. Vishal Dhende for respondent Nos.2 to 4.

...

**CORAM    : SMT. BHARATI DANGRE, J.**

**DATED     : 13<sup>TH</sup> APRIL, 2022.**

**P.C. :-**

1.    The first appeal deserves a disposal in the wake of the consent terms placed before me today, during the course of the hearing. The consent terms signed on 13/04/2022, bear the signatures of the authorized officer of the Insurance Company as well as it's counsel and respondent Nos.1, 2 and 3 and their advocates.

2. Respondent No.2 i.e. the husband of the deceased and respondent No.4, his daughter are present in the court and their identity is established through the Aadhar cards produced in original, by the Court Sheristedar.
3. The consent terms are taken on record and marked 'X' for identification whereas, the photocopies of Aadhar cards are taken on record and marked X1 and X2 for identification.
4. The consent terms work out as full and final settlement between the claimants and the Insurance Company as well as opposite party No.1. The appellant-Insurance Company has deposited the compensation amount of Rs.15,02,628/- in the Tribunal on 29/03/2012, out of which the claimants have already withdrawn an amount of Rs.7,25,000/- along with interest. The remaining amount of Rs.7,77,628/- is invested in the fixed deposit by the Tribunal.
5. As per the terms of settlement, the respondents, who are the original claimants are ready to waive off a lumpsum amount of Rs.1,00,000/- out of the balance amount, which is lying in the custody of the Tribunal. The consent terms are to the effect that the appellants shall be entitled for an amount of Rs.1,00,000/-, out of the said balance amount and the remaining amount along with interest, shall be disbursed amongst the claimants.

6. The apportionment of the amount to the claimants shall be in terms of the order of the Tribunal.

7. In view of the consent terms being filed, the statutory deposit of Rs.25,000/- shall be transferred to the Tribunal and the appellant-Insurance Company shall be permitted to withdraw the same along with interest, if any, accrued thereon.

8. The aforesaid settlement is accepted as full and final and binding on both the parties. The appeals stands disposed off.

9. In the wake of the settlement being effected, the first appeal deserves to be disposed off in terms of the consensus and is disposed off accordingly.

10. In view of the disposal of the appeal, the pending interim application, if any, shall stand disposed off.

**[SMT. BHARATI DANGRE, J.]**