

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CIVIL APPLICATOIN (F) No. 749 of 2015

in

FIRST APPEAL STAMP NO. 821 OF 2015

Saifulla Khan Ahmad Khan and ors __ Vs. __ Abdul Kalik Ab. Majid and ors

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. S.S.Alaspurkar, Advocate for appellant
Mr. R.D.Bhuibhar, Advocate for Respondent No.4.
Mr. P.S.Patil, Advocate for Respondent No.7
Mr. D.N.Kukday, Advocate for Respondent No.8

CORAM : AVINASH G. GHAROTE, J.

DATE : 23/12/2022

1] Civil Application (F) No. 749/2015 seeks condonation of 104 days delay in filing the appeal.

2] The office note dated 18.10.2022 indicates that all the respondents are served. Mr. Bhuibhar, learned counsel appears for Respondent No.4. None for Respondent Nos. 1 to 3 and 5 & 6. Mr. Patil, learned counsel for Respondent No.7 and Mr. D.N.Kukday, learned counsel for Respondent No.8.

3] Considering the quantum of delay and accepting the reasons given, the delay is condoned. Application is allowed.

4] Office to register the appeal.

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5] Mr. Alaspurkar, learned counsel for the appellants on instructions, seeks to delete the Respondent Nos. 5 to 8.

6] The statement is accepted.

7] Respondent Nos. 5 to 8 be deleted forthwith.

8] The impugned award dated 02.07.2014 in MACP No.381/2009 indicates that present Respondent No.1 was the driver of the offending vehicle. The Respondent Nos. 2 and 3 are the owners. The Respondent No.4 is the insurer. The Respondent Nos. 5 to 8 have been absolved by the learned Tribunal by dismissing the petition against them.

9] A joint compromise pursis has been filed on 8.12.2022 at Stamp No.3/2022, recording a compromise between the appellant and Respondent No.4 - the Insurance Company, who is actually representing the interest of Respondent Nos.1 to 3, under the terms of which the entire issue has been settled between the appellants and Respondent No.4 for an additional sum of Rs. 3,00,000/- over and above what has been awarded by learned MACT, Amravati. The Registrar (Judicial) by his report dated 20.12.22 has verified the settlement and submitted a report, considering which and as the interest of the Respondent Nos. 1 to 3 is being represented by

(3)

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Respondent No.4, the compromise is recorded in terms of para 5A and 5B of the joint compromise pursis dated 8.12.2022 at Stamp No. 3/2022 and the appeal is disposed of in terms thereof. No costs.

10] Court fees as permissible be refunded.

JUDGE

Rvjalit