

**IN THE NATIONAL LOK ADALAT PRESIDED OVER BY
HON'BLE SMT. JUSTICE VIBHA KANKANWADI
HELD ON 11TH FEBRUARY, 2023,
AT HIGH COURT LEGAL SERVICES SUB-COMMITTEE
AT AURANGABAD**

FIRST APPEAL NO.1972 OF 2022

THE NEW INDIA ASSURANCE CO. LTD. THROUGH ITS AUTHORIZED
MANAGER, AVINASH ACHYUT BUGDANI
VERSUS
BAJIRAO S/O BABURAO NIMBHORE AND OTHERS

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Mr. M.M. Ambhore, Advocate for the Appellant/acquiring body
Mr. Amol P. Khedkar Advocate for Respondent Nos.1 and 2.
Mr. Balraj Pande Advocate for Respondent Nos.3 and 4.

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ORDER

1. Not on Board. Taken on Board.
2. The parties have arrived at a compromise and approached the Lok Adalat today and therefore, though the matter was not on Board, it has been taken on Board.

3. Present Appeal has been filed by the Insurance Company. Mr. Ambhore, learned Advocate for the appellant is present. Mr. Dinesh Bankar, Assistant Manager, Legal Hub, the New India Assurance Company Ltd., Aurangabad is present. He has tendered authority letter issued by the appellant – insurance company, which is taken on record. Mr. A.P. Khedkar, learned Advocate for respondent Nos.1 and 2 – original claimants is also present. The Insurance Company has arrived at the compromise and the terms are settled. The original claimants – respondent Nos.1 and 2 in the Appeal are also present. The compromise that is arrived at is taken on record and marked as Exhibit-“A”. The claimants and the insurance company have settled the claim i.e. full and final at Rs.22,00,000/-.

4. Award be drawn as per the settlement.

5. Insurance company has deposited amount of Rs.30,40,754/- in the Court and the insurance company has no objection for withdrawal of amount of Rs.22,00,000/- by the original claimants – respondent Nos.1 and 2. So also, the original claimants – respondent Nos.1 and 2 have no objection for the refund of the amount more than Rs.22,00,000/-, which may be inclusive of the interest, to the insurance company.

6. Respondent Nos.1 and 2 – original claimants would be permitted to withdraw Rs.22,00,000/-.
7. The remaining balance amount, inclusive of interest, be refunded to the appellant insurance company.
8. Court fees be refunded as per rules.
9. The Appeal, therefore, stands disposed of, accordingly.
10. Pending civil applications, if any, stand disposed of.

(S.P. Brahme)
Advocate
Member

(V.B. Mantri)
D.J. (Retd.)
Member

(Smt. Vibha Kankanwadi, J.)
Head of the Panel.

Date : 11.02.2023.

Place : Aurangabad.

asb/FEB23