

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BEFORE THE NATIONAL LOK ADALAT
CIVIL APPELLATE JURISDICTION
FIRST APPEAL NO. 41 OF 2020

Ajay Jayant Bagewadi & Anr. Appellants

VERSUS

Kailash Tukaram Satav & Ors. Respondents

Mr.Rajshekhar S.Alange for the Appellants.

Ms.S.S.Dwivedi for the Respondent No.3.

Mr.Sourin Saha, Administrative Officer for New India Assurance Co. Ltd. present.

Ms.Lata S.Iyer, Deputy General Manager for New India Assurance Co. Ltd. present.

CORAM : RAJESH S. PATIL, J.
(HEAD OF THE PANEL)

V.V. KATHARE
REGISTRAR (VIGILANCE-II)
MEMBER

D. V. KUTE,
DEPUTY REGISTRAR,
(PERSONNEL), MEMBER

DATE : 9th DECEMBER, 2023

P.C. :-

Appellants as well as Respondent No.3 have entered into the consent terms dated 9 December, 2023. The consent terms signed by the parties are taken on record and is marked “X” for identification.

Mr. Alange and Mr. Dwivedi, the learned counsel state that the parties have signed in their presence and they identify their signatures. Both the learned counsel state that they have explained to the signatories and the signatories have signed the consent terms after understanding the contents. For ease of references, the Consent Terms are scanned and reproduced herein below :-

Filed in Court on 9/12/23 ^{'X'} RP.A.C. 9/12/23 1
marked as X (B) 9/12 Kailash 9.12.2017

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE, CIVIL JURISDICTION
FIRST APPEAL No. 41 OF 2020

1. Ajay Jayant Bagewadi
2. Anagha Ajay Bagewadi Appellant

v/s.

1. Kailash Tukaram Satav
2. Krishna Narshing Kiratwad (deceased)
3. The New India Assurance Co. Ltd. Respondents.

CONSENT TERMS

1. The Appellant filed application no. M.A.C.P No. 114/2017 before Learned Motor Accident Tribunal, Solapur for claiming compensation of Rs.75,00,000/- against the Respondents.

2. The Claim Petition was allowed vide Judgment and Award dated 2.1.2019, directing the Respondents to pay compensation to the tune of Rs.18,87,416/- with interest @ 9% per annum from 30.10.2017.

3. The Respondent no.3 (New India Assurance Co. Ltd) deposited the amount and satisfied the order dated 2.1.2019 passed in MACP NO. 114 of 2017 .

Sow. A.A. Bagewadi Alange Dwivedi S.B.

4. The Appellant claimant has preferred aforesaid First Appeal for enhancement of the compensation against the Respondents.
5. During the pendency of the aforesaid Appeal, the Appellant and the Respondent Nos. 3 had meetings for negotiations and settlement of dispute once for all wherein the parties have reached to an amicable settlement out of the court.
6. The Respondent no.3, the New India Assurance Co. Ltd shall deposit Rs.29,00,000/- (Rupees Twenty nine lac Only) before Learned Motor Accident Tribunal, Solapur within 6 weeks from passing of the order before Lok Adalat held on 9.12.2023. This amount is in addition to the amount already paid by the respondent insurance company as stated above.
7. The Appellant Nos. 1 & 2 shall have no further claims whatsoever against Respondent no.3, New India Assurance Company in any Court/ Tribunal/ Forum/ Judicial/ Quasi-Judicial Authority in India with respect to death of Late Anushri Ajay Bagewadi on 2.7.2017
8. The court fee refund certificate will be issued in favour of appellant No. 1.

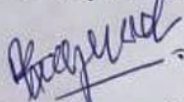
Sow. A. A. Bagewadi -

Astorge
 S. S. B. B. B.

9. In view of the above, the impugned Judgment and Award dated 2.1.2019 passed by Learned Motor Accident Tribunal, Solapur stands modified and the claim of the original Claimants stands fully satisfied against the Respondent no.3. The Claim Application filed by the Appellant/Claimants before the Tribunal as well as the aforesaid First Appeal with Civil Applications therein filed by the present Appellant stands disposed of in terms of the present Consent Terms.

10. The Decree to be drawn up accordingly.

Dated 9th day of December 2023 कृते एवं वास्ते / For & On Behalf of
दि न्यू इंडिया एश्योरन्स कंपनी लिमिटेड
THE NEW INDIA ASSURANCE CO. LTD.

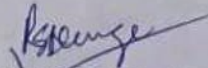

Ajay Jayant Bagewadi
(Appellant No.1)

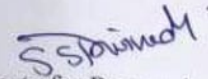
Sow. A.A. Bagewadi
Anagha Ajay Bagewadi
(Appellant no.2)

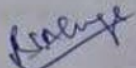

विधिवत मंडित
THE NEW INDIA ASSURANCE CO. LTD.
(Respondent no.3)

(SOURIN SAHA)
Administrative Officer

Explained, Interpreted & identified by me


Advocate for Appellant.


Advocate for Respondent No.3



2. Both the learned counsel state that all the signatories are also present in Court and identify their respective clients.
3. Appeal stands disposed in terms of the consent terms dated 9 December, 2023. All statements are accepted as an undertaking to this Court. All undertakings are also accepted.
4. All parties to act on the authenticated copy of this order.
5. Civil application/interim application, if any, are also disposed off.

[D. V. KUTE]
MEMBER

[V. V.KATHARE]
MEMBER

[RAJESH S. PATIL, J.]
HEAD OF THE PANEL