

AGK

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

**FIRST APPEAL NO.755 OF 2017
WITH
CIVIL APPLICATION NO.2332 OF 2017**

Iffco Tokio General Insurance Co. Ltd. ... Appellant

V/s.

Kasam Yusuf Dalwai & Ors. ... Respondents

**WITH
INTERIM APPLICATION NO.311 OF 2022
IN
FIRST APPEAL NO.755 OF 2017**

Khurshid Iqbal Shaikh ... Appellant

V/s.

Iffco Tokio General Insurance Co. Ltd. ... Respondents

Ms. Varsha Chavan for the appellant.

Ms. Sangeeta S. Salvi for respondent no.1.

Mr. Ramiz Shaikh for respondent no.3.

CORAM : AMIT BORKAR, J.

DATED : JANUARY 24, 2023

P.C.:

1. The appeal is against judgment and award passed by the Motor Accident Claims Tribunal, Thane. By the impugned judgment, the insurance company and owners were directed to jointly and severally pay Rs.21,86,333/- including no fault liability along with interest at the rate of 8% per annum from the date of

the petition till its realization. The insurance company has, therefore, filed present first appeal.

2. During the pendency of the first appeal, parties have settled their disputes. Parties have filed consent terms signed by the claimant and opponents. These are signed by the parties, who are personally present before this Court, and their respective Advocates. The consent terms are taken on record and marked 'X' for identification.

3. The appeal is disposed of in terms of the consent terms.

4. The award stands modified in terms of the consent terms, and in particular paragraph 9 of the award.

5. The parties are allowed to withdraw the amount deposited as per the consent terms.

6. In view disposal of the appeal, the interlocutory applications do not survive and are disposed of accordingly.

7. Record and proceedings be sent back to the Motor Accident Claims Tribunal, Thane.

(AMIT BORKAR, J.)