

SHANTANU
SHANKARSA
DHUDUM

Digitally signed
by SHANTANU
SHANKARSA
DHUDUM
Date:
2023.02.17
17:34:58
+0530

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

FIRST APPEAL NO. 449 OF 2016

Mr. Farogh Ahd. Zahoor Ahd. Ansari,)
Age, - 48 years,)
Resident of F/8, 666 Tenements Compound)
Mumbai – 400011)Appellant

Versus

1. M/s. Kataria Transport Co. Ltd.,)
A-28, Suvidha Estate,)
Gandhinagar, Bavla Highwa,)
Surkhej, Ahmedabad, Gujarat.)
2. Oriental Insurance Co. Ltd.)
7, J. T. Road, Churchgate,)
Mumbai – 400 020.) ..Respondents
(Policy No. 141700-2007/8927))
Valid from 31/02/2007 to 20/03/2008)

Mr. Ashok B. Tajane for the Appellant.
Ms. Sneha Dwivedi for the Respondent No.2.

CORAM : S. G. DIGE, J.

DATE : 17th FEBRUARY 2023.

JUDGMENT :

1. Heard learned counsel for appellant and learned counsel for the respondent.

2. Both learned counsel submits that both the parties have settled the matter. The respondent no. 2-insurance company is ready to pay Rs. 34 Lakh as compensation to the appellant excluding the amount already deposited before the MACT, Mumbai in MACP No. 3476 of 2007 as per the order dated 19/07/2014. This amount of Rs.34 Lakh would be without interest, it excludes the compensation awarded by the MACT, Mumbai.

3. Learned counsel for appellant agrees for it. The claimant who is present in the Court also agrees for the same.

3. In view of the submission of both learned counsel and the appellant/claimant, I pass the following order:

ORDER

i. Appeal is allowed.

ii. The respondent no. 2-insurance company shall deposit amount of Rs. 34 Lakhs before the Tribunal within two weeks from today.

- iii. The appellant is permitted to withdraw the amount deposited by the respondent no. 2 insurance company as award amount granted by the tribunal along with accrued interest thereon and the amount of Rs. 34 Lakhs.

The Appeal stands disposed of.

6. All pending applications, if any, stand disposed of.
7. Parties to act on authenticated copy of this order.

(S. G. DIGE, J.)