

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BEFORE THE NATIONAL LOK ADALAT

CIVIL APPELLATE JURISDICTION

FIRST APPEAL (ST) NO. 3758 OF 2018

ALONGWITH

CIVIL APPLICATION 1960 OF 2018

IN

FIRST APPEAL (ST) NO. 3758 OF 2018

Reliance General Insurance Co. Ltd.

..... Appellant

VERSUS

Narayanlal Nathalal Upadhyay & Anr.

..... Respondents

Ms. Shalini Shankar for the Appellant.

None for the Respondents.

**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. :-

Appellant as well as Respondent Nos.1 and 2 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. Ms. Shalini Shankar, the learned counsel for the appellant states that the

parties have signed in her presence and she identify their signatures. She states that she has 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
and marked as X

SB 9/12

X^e R.H.L. 9/12/23

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

IN

FIRST APPEAL (STAMP) NO.3758 OF 2018

Reliance General Insurance Co. Ltd.Appellant

V/s.

Manish Narayanlal Upadhyay and Ors.Respondents

...

Coram : Hon'ble Mr. Rajesh Patel

Dated : 7th day of Dec, 2023

CONSENT TERMS (Lok Adalat)

By virtue of the order dated day of Dec, 2023 passed by this Honourable High Court, It is hereby agreed BY AND BETWEEN THE PARTIES i.e. the Appellant Insurance Co. and the Respondents that :-

1. In Full & final Settlement of Decree dated 19/12/2017 in MACT Application No. 707 of 2014 the Respondent No.1 Mr. Manish Narayanlal Upadhyay and Respondent No.02 Mr.Utpal Narayanlal Upadhyay shall withdraw a sum of Rs 10,39,012/- along with accrued Interest if any as full and final settlement from Motor Accident Claims Tribunal and upon receipt of the said payment the entire decree shall stand settled & satisfied and the Respondent's shall have no claim of whatsoever against the Appellant.

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2. The Appellant has deposited the Decretal Amount of Rs.10,84,723/- complying with the Stay Order along with interest and cost out of which the Respondent has consented to accept Rs.10,39,012/- along with interest as full and final settlement.
 3. The Appellant may be allowed to recover the amount of Rs. 45,711/- from the balance Decretal Amount along with accrued interest if any.
 4. The Appellant submit that the statutory deposit of Rs. 25,000/- be transferred to MACT Mumbai and the Appellant Insurance Company shall also withdraw the amount of Rs. 25,000/- with accrued interest, if any.
 5. The Appellant has deposited Rs. 24860/- towards court fee while filing appeal. Same may be allowed to be withdrawn as per rules.
 6. The Respondent No. ¹⁰²1 will accept the aforesaid amount as full and final settlement and no claim/interest or any pending dues of whatsoever nature in the matter will be raised by Respondents or any of his heirs and legal representatives in future. ⁸¹
 7. The Respondent No. ¹⁰²1 agrees to withdraw appeal filed by him for enhancement if any. ¹²
 8. The First Appeal along with connected, Civil Applications for Stay and is disposed off on the aforesaid terms.
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¹²

9. No order as to costs.

Dated 09th day of Dec 2023

Appellant Shah Shikha
Advocates for Appellant

For RACE.
Shahin Shikha
For Lok Ardolet
Siddhant

monish H. Upadhyay
Respondent No.1
monish H. Upadhyay

Upadhyay
Respondent No.2
Upadhyay

Advocates for Respondent no.1 & 02
Advocates for Respondent no.1 & 02
Advocates for Respondent no.1 & 02

2. 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