

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

**FIRST APPEAL NO.218 OF 2020
WITH
CROSS OBJECTION (ST) NO.3083 OF 2023**

Divisional Manager, Bajaj AllianzAppellants
General Insurance Co. Ltd.

V/s.

Shri.Dharamraj Gajendra Sakhare & Anr.Respondents

Ms.Yogita M. Deshmukh, for the Appellant.
Mr.Yogesh Punde, for Respondent No.2.

CORAM : SHIVKUMAR DIGE, J.

DATE : 21st DECEMBER 2023

P.C:-

. Heard both learned counsel.

2. Both learned counsel submits that, both the parties settled the matter out of the Court as per Consent Terms. The Consent Terms is taken on record and marked 'X' for identification. This court inquired with Claimant Smt.Shobha Sakhare, present in the Court. She agreed the terms mentioned in the Consent Terms.

3. Considering the submission of both learned counsel

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and in view of the Consent Terms Appeal is disposed of.

4. The learned counsel for the Appellant submits that, in judgment the Tribunal has observed that, there is breach of Terms and Conditions of Insurance Policy and Opponent No.2 shall pay the compensation to the Claimant and recover it from Opponent No.1, but the order of pay and recovery is not passed.

5. Perused impugned judgment and order passed by the Tribunal in Paragraph No.22 the Tribunal has observed about pay and recover order. The Appellant can take steps as per the observations of the Tribunal.

6. In view of disposal of the Appeal, Cross Objection is also disposed of.

(SHIVKUMAR DIGE, J.)