

KANCHAN VINOD MAYEKAR
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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

FIRST APPEAL NO. 640 OF 2019

National Insurance Co. Ltd.

..... Appellant

VERSUS

**Smt. Geetanjali @ Namrata Rahul Chopade
& Ors.**

..... Respondents

Ms.Harshada Rane for the Appellant.

Mr.Kedar P. Lad for the Respondents Nos. 1 to 4.

CORAM: RAJESH S. PATIL, J.

DATE : 16th OCTOBER, 2023

P.C:-

By order dated 10th October, 2023, this Court disposed off the First Appeal by taking on record the Consent Terms dated 10th October, 2023.

2. In the Consent Terms, as per paragraph no.13, certain amounts were to be withdrawn by the respondent nos. 1 to 4, and so also certain amounts were to be refunded to the appellant Insurance Company, along with accrued interest.

3. For the sake of clarification, this matter has been moved by the appellant Insurance Company.

4. It is therefore clarified and directed that :-

(a) As per paragraph no.13(b) of the Consent Terms dated 10th October, 2023, the respondent nos. 1 to 4 are allowed to withdraw the balance compensation of Rs.17,79,813/-.

(b) As per paragraph no.13(c) of the Consent Terms dated 10th October, 2023, the appellant Insurance Company is allowed to withdraw the principal amount of Rs.3,64,572/- along with accrued interest from 22nd August, 2015 till the date of realization.

(c) The recovery rights of the appellant Insurance Company against the respondent no.5 (Rahul Tukaram Mandekar) are sustained, preserved and allowed and the appellant Insurance Company is free to initiate recovery proceedings against the respondent no.5 as per the judgment and award dated 8th November, 2014 passed by the M.A.C.T., Kolhapur in Claim Petition No. 365 of 2012.

5. Praeceptum is disposed off.

6. All concerned to act on the authenticated copy of this order.

Certified copy expedited.

[RAJESH S. PATIL, J.]