

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BEFORE THE NATIONAL LOK ADALAT
CIVIL APPELLATE JURISDICTION**

FIRST APPEAL NO. 149 OF 2017

The New India Assurance Co. Ltd.	...Appellant
<i>Versus</i>	
Smt. Stella Alex Thykatil & Ors.	...Respondent

....

Mr. Shrikant M Dange, *for the Appellant.*

Mr. T. J. Mendon a/w. B. M. More, *for the Respondent nos. 1 to4.*

....

**CORAM : RAJESH S. PATIL, J.
(HEAD OF THE PANEL)**

**S.R. AGRAWAL,
REGISTRAR (JUDICIAL-II) MEMBER**

**R.V. WANWADI,
DEPUTY REGISTRAR (INSPECTION)
MEMBER**

DATED : 30th APRIL 2023

P.C.:

1. Appellants as well as Respondent Nos.4 have entered into consent terms dated 30th April 2023. The consent terms signed by these parties is taken on record and marked “X” for identification. Mr. Dange and Mr. Mendon state that the parties have signed in their presence and they identify their signatures. Both state that they have explained to the signatories and the signatories have signed the consent terms after

understanding the contents. For ease of reference the consent terms are scanned and reproduced herein below :

(RDS) Comm. Request 1/2017 J. (MIA) .
Date. 30/04/2023 X
Rishabh
74/4/23

BEFORE NATIONAL LOK ADALAT
IN THE HIGH OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

FIRST APPEAL NO. 149 OF 2017
DISTRICT: MUMBAI

THE NEW INDIA ASSURANCE CO.LTD.
Muti Mahal, 6th Floor, 1 Tata Road
... Appellant

V/S

1. Smt. Stella Alex Thykatil
Age-37 yrs.
2. Master Kevin Alex Thykatil
Age- 20 yrs
3. Kumari Hazel Alex Thykatil
Age- 16 yrs
4. Smt. Rozy Ignatious Thykatil
Age-85 yrs.
Respondent no.1, a minor, through
Mother, Respondent no.1
All residing at, 401, G-Bldg, A Wing
Nilgiri Garden, Sector 24,
Uran Rd, C.B.D. Belapur
Navi Mumbai 400614
5. Bajarang G. Agrawal
4, Hanuman Complex Opp. Railaxmi
Compound, Bhiwandi, Dist. Thane

... Respondents

CONSENT TERMS

WHEREAS, pursuant to the order of this court dtd. 8-08-2017, the Appellant has deposited award amount, with interest, being Rs. 77,78,936.00 in MACT, Mumbai in Claim Application No.2890 of 2008.

AND WHEREAS, the Applicants were permitted to withdraw Rs.40 lakhs by order of this court, dated 8-8-2018, which they have done,

NOW therefore both the parties hereby agree to settle the claims on the following terms:-



- 2 -

1. The Appellant-Insurer shall withdraw amount of Rs. 5,00,000.00, with interest at the rate of 9% p.a. from the date of Application till date of deposit and thereafter whatever accrued interest on the said amount. The Respondent nos. 1 to 4 shall withdraw the balance amount, **with same interest upto date**, as and by way of full and final settlement of their claims against the Appellant and the respondent nos. 5 abovenamed.

2. Upon such withdrawal, the Appellant-Insurer shall stand discharged from all and any of the liability towards all the Respondents.

3. No parties shall have any claim against each other in this cause of action.

4. Parties shall bear their own costs.

5. The Appellant shall be entitled for refund of court fees as per the rules.

Authorised officers of the Appellant and the Respondents 1 to 4 present in person in this court, duly identified by their Advocate.

Signed and sealed this 30th day of April, 2023.


Respondent no.1


Respondent no.2


Respondent no.3


Respondent no.4

Identified by 

Advocate for Respondents 1 to 4




Appellant
C.M. & R.O. In-Charge
Mumbai Legal Hub-810000


Advocate for Appellant

2 Both counsels state that all the signatories are also present in Court and identify their respective clients.

3. We are also filed an affidavit under Order 32 Rule 7 of the Code of Civil Procedure of one Stella Alex Thykatil. The same is taken on record and marked “Y” for identification.

3 Order in terms of consent terms. Appeal stands disposed in terms of consent terms dated 30th April 2023. All statements are accepted as undertaking to Court. All undertakings are also accepted.

4. Certified copy of this order and consent terms are expedited. Refund of Court fees, if any, to the Appellant as per rules.

5. All parties to act on authenticated copy of this order.

(R.V. WANWADI) Dy. Registrar (Inspection) & Member	(S.R. AGRAWAL) Registrar (Judicial-II) & Member	(RAJESH S. PATIL, J.) Head of the Panel
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