

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

FIRST APPEAL NO. 119 OF 2023

The New India Assurance Co. Ltd. Mumbai
Legal HUB. ...Appellant

Versus

Smt. Asha Dnyandev Marne & Ors. ...Respondents

....

Ms. Shraddha Chheda a/w. Ms. Miloni Nagada i/b. Navdeep Vora & Associates, for the Appellant.

Mr. T. J. Mendon, for the Respondent.

....

**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. The Learned Advocate for the Respondent tenders a copy of consent terms filed before the MACT, Mumbai alongwith copy of order dated 30th April 2023 passed by the Lok Adalat, MACT Mumbai in MACP No. 2184 of 2017 along with the copy of the Award dated 30th April 2023. The same is taken on record and collectively marked "X" for

identification. For ease of reference the consent terms are scanned and reproduced herein below :-

Coram:- Rajesh Patel, J (MCA) X
90/4/23 R/H
7-4/4-23

**BEFORE THE MOTOR ACCIDENT CLAIMS
 TRIBUNAL, MUMBAI
 EXECUTION APPLICATION NO.4 OF 2023
 IN
 M.A.C.T. APPLICATION NO. 2184 OF 2017**

Smt. Asha Narhe & Ors. ... Applicants

Vis.

The New India Assurance Co. Ltd & Anr. ... Insurer & Opp. Party

CONSENT TERMS

It is hereby agreed by and between the parties that the Applicants will be paid compensation subject to the terms and conditions stipulated herein below:

1. The Insurer has deposited an amount of Rs.38,29,896/- with the Motor Accident Claims Tribunal at Mumbai pursuant to the Order dated 08th February, 2023, passed by the Hon'ble High Court, Bombay in First Appeal No. 119 of 2023.
2. The Applicants were allowed to withdraw 25% of the compensation alongwith proportionate interest accrued thereon by an Order dated 20th March, 2023 passed by the Hon'ble High Court, Bombay in Interim Application No. 2420 of 2023 in First Appeal No. 119 of 2023.
3. **AGREED AND DECLARED** that the Insurer shall withdraw, an amount of Rs.4,50,000/- (Rupees Four Lakhs Fifty Thousand Only), and the balance amount alongwith accrued interest thereon to be withdrawn by the Applicants as and by way of compensation in full and final settlement of

the Judgment & Award passed in MACT Application No.2184 of 2017 and the apportionment shall be as granted by this Hon'ble Court.

4. **AGREED AND DECLARED** that the Parties herein accept the settlement as full and final and no claim of whatsoever nature in this matter will be raised by them in any Court in future.
5. **AGREED AND DECLARED** that Rs.25,000/- deposited by the Insurance Company in the Hon'ble High Court being a pre-requisite under Section 173 of Motor Vehicles Act be transferred to the Motor Accident Claims Tribunal at Mumbai and the Applicants be permitted to withdraw the same alongwith accrued interest thereon.
6. **AGREED AND DECLARED** that the Court Fees paid by the Insurance Company while preferring First Appeal be refunded to the Insurance Company (Insurer) as per rules in force.
7. **AGREED AND DECLARED** that the impugned Judgment and Award dated 08/08/2022 passed by the Ld. Motor Accident Claims Tribunal; Mumbai in M.A.C.T. Application No. 2184 of 2017, stands modified to the above extent.
8. **AGREED AND DECLARED** that the First Appeal bearing (St.) No. 29553 of 2022 alongwith Civil Applications / Interim Applications therein and the present Execution

proceedings, be disposed off in terms of this Consent Terms
with no order as to costs.

Place: Mumbai)

Dated this 30th day of April, 2023)


For The New India Assurance Co. Ltd
(Insurer)

Asha D. N.

Smt. Asha Narhe
(Applicant No. 1 for
herself and for Applicant
No. 2, being minor)

शिवजी नरहे

Mr. Shivaji N. Narhe
(Applicant No. 3)


Mrs. Janabai S. Narhe
(Applicant No. 4)

Signature of Janabai Narhe


For Navdeep Vora & Associates
Advocates for Insurer


Mr. Samrat Ingle
Advocate for Applicants

- 2 This matter is listed before National Lok Adalat.
3. Mr. Chheda, the Learned Advocate for Appellant seeks leave to withdraw First Appeal.
4. Leave granted as prayed for.
5. Order in terms of consent terms. First Appeal is disposed as withdrawn. Consequently, all Civil Applications/ Interim Applications, if any stands disposed of.
6. The Court Fees be refunded to Appellant as per rules.
7. The Statutory amount of Rs.25,000/- be remitted back to the jurisdictional Tribunal and the Tribunal shall permit the Appellant Insurance Company to withdraw the amount.

(R.V. WANWADI)
Dy. Registrar (Inspection)
& Member

(S.R. AGRAWAL)
Registrar (Judicial-II)
& Member

(RAJESH S. PATIL, J.)
Head of the Panel