

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

FIRST APPEAL NO. 65 OF 2023
WITH
INTERIM APPLICATION NO. 677 OF 2023
IN
FIRST APPEAL NO. 65 OF 2023
WITH
INTERIM APPLICATION NO. 4023 OF 2023
IN
FIRST APPEAL NO. 65 OF 2023

The New India Assurance Company
Limited, Mumbai ...Appellant

Versus

Mrs. Geeta Anil Sahu & Ors ...Respondents

....

Ms. Jyoti Bajpayee Pandey I/b. S. S. Dwidvedi, *for the Appellant.*

S. R. Gupta, *for the Respondent Nos. 1 to 3.*

....

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 have signed by the Appellant and the Respondent No.1 and Respondent No.2 and 3

who are minor and by Respondent No.4 is taken record and marked "X" for identification. The learned Advocate for the Respondent tenders affidavit of Smt Geeta Anil Sahu dated 30th April 2023. the same is taken on record and marked "Y" for identification. For ease of reference the consent terms are scanned and reproduced herein below :-

coram:- Rajesh Patel, JCNLJ 'X' for identification
30/4/23
Rajesh Patel
30/4/2023

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

FIRST APPEAL No. 65 OF 2023

District: Mumbai

New India Assurance Co. Ltd. ... Appellant

-: VERSUS :-

1. Mrs. Geeta Anil Sahu
2. Vaishnavi Anil Sahu
3. Kavya Anil Sahu
4. Durgabai Hardas Sahu
4. Usha Chandrakant Vora Respondents.

CONSENT TERMS

1. The Respondent Nos. 1 to 4 filed application being M.A.C.P. No. 172 of 2018 under Section 166 of the Motor Vehicles Act 1988 before Motor Accident Claims Tribunal at Mumbai claiming compensation in respect of the death of Mr. Anil Hardas Sahu in a motor vehicular accident.

[Handwritten signature]

[Circular stamp: CIVIL APPELLATE JURISDICTION, HIGH COURT OF JUDICATURE AT BOMBAY]

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

B. N. BO
C.M. & R.O. In-Charge
Mumbai Legal Hub-810000

[Handwritten signature]
for S. & P. Patel

[Handwritten signature]
for S. & P. Patel

2. The Claim Petition was allowed vide Judgment and Award dated 6.6.2022, directing the appellant Insurer to pay compensation to the tune of Rs.30,94,000/- inclusive of NFL with interest @ 7% per annum from the date of application i.e.27.11.2017.
3. The Appellant Insurer has preferred aforesaid First Appeal taking exception to the said Judgment and the same is admitted and pending before This Honorable High Court.
4. During the pendency of the aforesaid Appeal, the Appellant and the Respondent Nos.1 & 4 had meetings for negotiations and settlement of dispute once for all wherein the parties have reached to an amicable settlement out of the court.
5. The Appellant has deposited an amount of Rs.41,42,537/- before MACT Mumbai, pursuant to order dated 30/1/2023 in Interim Application No.677/2023.
6. The Respondent Nos. 1 to 4 have agreed that the Appellant Insurance Company shall be allowed to withdraw amount of Rs.7,00,000/- .

[Signature]

B. N. BORO
C.M. & R.O. In-Charge
Mumbai Legal Hub-810000



[Signature]

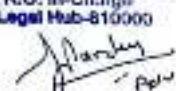
[Signature]

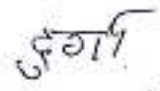
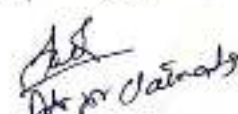
[Signature]
Adv for claimants

C.M. & R.O.
Mumbai Legal Hub

7. The Respondent Nos. 1 to 4 shall be allowed to withdraw balance amount of Rs.34,42,537/- along with accrued interest thereon.
8. In view of the above, the impugned Judgment and Award dated 6.6.2022 passed by Motor Accident Claims Tribunal Mumbai in M.A.C.P. No. 172 of 2018 stands modified and the claim of the original Claimants stands fully satisfied. The Claim Application filed by the Respondent/Claimants before the Tribunal as well as the aforesaid First Appeal with Civil Applications therein filed by the present Appellant stands disposed of in terms of the present Consent Terms.
9. That an amount of Rs. 25,000/- deposited under section 173 of the Motor Vehicle Act, 1988 at the time of filing Appeal shall be transferred to the Motor Accident Claims Tribunal, Mumbai with accrued interest thereon. The Respondent no.1 to 4 will withdraw the Rs.25,000/- with accrued interest thereon.
10. The Appellants shall be entitled to refund of Court Fees paid in the Honourable High Court as per rules, along with accrued interest thereon.


 B. N. L.
 C.M. & R.O. In-Charge
 Mumbai Legal Hub-810000




 Date for Claimants


11. The Decree to be drawn up accordingly.

Dated 30th day of April 2023



B. N. BORO
C.M. & R.O. in Charge
For The ~~Messenden~~ Assurance Co. Ltd.
Appellant

5/11/2418
Mrs. Geeta Anil Sahu
Respondent no.1
For herself and Natural
guardian of Respondent no.2 & 3

5/11/2418
Durgabai Hardas Sahu
Respondent No.4

Identified by me

S.S. Dwivedi
S.S. Dwivedi
Advocate for the
Appellant

Explained, Interpreted
& identified by me

S.R. Gupta
S.R. Gupta
Advocate for the
Respondent no.1 to 4

2. Ms. Jyoti Pandey and Mr. S. R. Gupta 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.

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

4. 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.

5. The certified copy of this order and consent terms dated 30th April 2023 are hereby expedited.

6. 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