

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

BEFORE THE NATIONAL LOK ADALAT

FIRST APPEAL NO. 1769 OF 2008

Shantabai Dattatraya Manjal ...Appellant

Vs.

A. Ramesh Andanappa and Anr. ...Respondents

Mr. S. S. Zunje – Advocate for the Appellant.

Ms. Deepika Prabhala i/b. Res Juris – Advocate for Respondent No.2.

CORAM : S. M. MODAK J.
[HEAD OF THE PANEL]
V. V. KATHARE
REGISTRAR (VIGILANCE-II)
MEMBER
S. N. PHAD
DEPUTY REGISTRAR
MEMBER

DATED : 03rd MARCH, 2024

P.C. :-

1. The Appellant as well as the Respondent No.2 have entered into the '*consent terms*' which is marked 'X' for identification. The '*consent terms*' are signed by the parties and taken on record.

2. The parties are identified by the Advocate for Respondent No.2

Mr. S. S. Zunje and Advocate Ms. Deepika Prabhala for Appellant respectively. Learned Counsel for the Respondent No.2 and Appellant submitted that the parties have voluntarily signed the '*consent terms*' in their presence and they have identified their signatures. Learned Counsel for the Appellant and Respondent No.2 state that they have explained the '*consent terms*' to the signatories and after understanding the same, they have signed it. The Counsel for the Appellant and Respondent acknowledge the '*consent terms*'.

3. The Appeal stands disposed of in terms of the '*consent terms*' signed by the parties and attested by the respective Advocates. All statements are accepted as an undertaking to this Court. All undertakings are also accepted.

4. All the parties to act on an authenticated copy of this order.

5. Civil Applications/Interim Applications, if any, are also disposed of.

6. Court fees be refunded as per the Rules.

7. The '*consent terms*' shall form part of the Award. The signatories of the '*consent terms*' acknowledge the contents of '*consent terms*'. For ready reference, the '*consent terms*' are scanned and reproduced herein below :-

CORAM: S.M. Nodak &
V.V. Kothare
S.N. Phad
Tendered in court
03/03/2024

03/03/2024

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

FIRST APPEAL NO. 1769/2008

DIST: Solapur

Shantabai Dattatraya Manjal)

(H) Aged 63 years, Occ: Vegetable seller)

R/o Ule, Taluka- South Solapur,)

District - Solapur).. Appellant

(Original Claimant)

Versus

1. A. Ramesh Andanappa , adult)

Occ: Business, R/o Chikkabidrakallu)

Village Nagasundra, Bangalore – 78)

2. The Oriental Insurance Company Ltd.)

Branch office at Solapur)... Respondents

(Respondent no. 1 being Original Opposite party no. 1 and insured

and Respondent no. 2 being Insurer)

CONSENT TERMS BETWEEN THE APPELLANT AND

RESPONDENT NO. 2

Shantabai

UAT of
Shantabai
Dattatraya
Manjal
S.N. Phad
Adh

TO,

THE HON'BLE CHIEF JUSTICE AND
THE HON'BLE PUISNE JUDGES OF THE
HON'BLE HIGH COURT AT BOMBAY

MOST RESPECTFULLY SHEWETH

1. The Appellant had filed motor accident claim petition bearing no. 413 of 1999 under Section 166 of the Motor Vehicles Act, 1988 before Motor Accident Claims Tribunal, Solapur (Ld. MACT) thereby claiming compensation of Rs. 1,00,000/- in respect of the injuries sustained by her in a motor vehicular accident dated 02.01.1998. The Ld. MACT had allowed the application and passed the judgment and award dated 21.01.2006, thereby directing the Respondents to jointly and severally pay compensation of Rs. 1,00,000/- with interest @ 7% from the date of application till realization.
2. That being aggrieved by the said judgment and award, the Appellant had preferred the aforesaid First Appeal which is pending before this Hon'ble High Court. That the Respondent

[Faint signature and stamp]

[Faint circular stamp]

WTR of Phantabai Dattabai
Mangal
Att. *[Signature]*
S. S. Zurekar
Solapur

no. 2 Insurer has already deposited total amount of Rs. 1,51,183/- before the Ld. MACT, Solapur, towards satisfaction of the said judgment and award, which is the subject matter of the present appeal.

3. That during the pendency of the aforesaid Appeal, the Appellant and the Respondent no.2 had meetings for negotiations and settlement of dispute, wherein the parties have reached an amicable settlement between them. The Respondent no. 1 is Insured (formal party) and not a party to the present consent terms. The Appellant has agreed to accept an amount of Rs. 8,00,000/- (Rupees Eight Lakhs Only) towards full and final settlement of their claim arising from the Award under challenge excluding an amount already paid.

4. The Respondent no. 2 shall deposit the said amount of Rs.8,00,000/- before the Ld. MACT, Solapur, within a period of four (4) weeks from the date of disposal of the First Appeal in view of the present Consent terms. The said amount, upon such deposit, shall be disbursed by the Ld. MACT, Solapur in favour of the Appellant.

Sheth



*UAT of Shri. Dattabai
Maha
Att. Secy
S. S. Zingade
Solapur*

5. In view of the aforesaid, the judgment and award dated 21.01.2006, passed by Ld. MACT Solapur in M.A.C.P. No.413/1999 stands modified and the claim of the Appellant (original Claimant) stands fully satisfied. The Appellant shall not claim any monies or file any proceedings/suits/any other litigation against the Respondent no. 2 in any Court/Tribunal/Forums etc. for recovery of monies in respect of compensation which is the subject matter of MACP no. 413/1999 and First Appeal no. 1769/2008.

6. The aforesaid First Appeal with pending Civil Applications, if any, may be disposed off in terms of the present Consent Terms.

Dated this 3rd Day of March, 2024


 Appellant: *Uddoj Shantabai*
W/o Dattatray
Mangal
Att *S.S. Zunge*
(S.S. Zunge Adv R/o Solapur)
 Advocate for Appellant: *(S.S. Zunge Adv R/o Solapur)*
 Respondent no. 2: *Revised*
 Advocate for Respondent no. 2: *Shankar*

रमा वृद्धमणिसम, प्रमसी प्रबंधक
 RMA Vrudhamaniam, Manager-in-Charge
 THE ORIENTAL INSURANCE CO. LTD.

8. Record and proceeding be sent, as early as possible, to the trial Court to carry out further proceeding. The Tribunal shall disburse the amount to the parties as per the original Award.

9. The parties are entitled for withdrawal of the awarded amount along with the accrued interest subject to depositing of additional Court fee on the enhanced compensation awarded, if any.

[S. N. PHAD]
MEMBER

[V. V. KATHARE]
MEMBER

[S. M. MODAK J.]
HEAD OF THE PANEL