

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

FIRST APPEAL NO. 704 OF 2022

The New India Assurance Company Ltd. ...Appellant

Vs.

Mr.Pentappa Ramulu Baindla and Ors. ...Respondents

WITH
CIVIL APPLICATION IN FIRST APPEAL NO. 3892 OF 2019

Mr.Pentappa Ramulu Baindla and Anr. ...Applicants

Vs.

The New India Assurance Company Ltd., and Ors. ...Respondents

Mr.S.S.Dwivedi – Advocate a/w Ms.Sneha S. Nadkar – Assistant Manger
for Appellant – The New India Assurance Company Ltd.
Ms.Pinki Chavan – Advocate for Respondent Nos.1 and 2.
Mr.Pentappa Baindla – Respondent No.1 and Ms.Balamani Baindla –
Respondent No.2 are present.

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 and Respondents along with their respective Advocates are present before the Lok – Adalat.
2. They have filed '*consent terms*' duly signed by the respective parties and identified by their respective Advocates. It is marked Article – A.
3. The Appellant has filed true copy of the Power of Attorney issued in the name of Mrs.Sneha S. Nadkar – Assistant Manager for New India Assurance Company Limited authorizing her to compromise the matter. It is marked Article – B. For ready reference, the '*consent terms*' are scanned and reproduced herein below :-

CORAM: S.M. M. J. J.
 & V.V. Kadhane
 & A.N. Phad
 21.03/2024
 - Tended in the Court

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

FIRST APPEAL 704 OF 2022

District: Mumbai

New India Assurance Co. Ltd.

... Appellant

- VERSUS -

1. Mr. Pentappa Ramulu Bainda

2. Ms. Balamani Ramulu Bainda

3. Mr. Manulab G. Marvi

4. Mr. Balappa Kallappa

... Respondents.

CONSENT TERMS

1. The Respondent Nos.1 & 2 filed Application No.WCA/457/B-88/2012 before Learned Commissioner of Employees Compensation and Judge 5th Labour Court, Mumbai.

2. The Claim Application was allowed vide Judgment and Award dated 21/07/2015, directing the Appellant Insurer and Respondent Nos. 3 & 4 employers to pay compensation to the tune of Rs. 4,42,740/- with interest @ 12% per annum from 26/08/2007.

Done
 Adv. For Respondents No. 1 & 2.

25/03/24


 (10 ft hand thumb)

3. The Appellant Insurer has preferred aforesaid First Appeal taking exception to the said Judgment and the same is pending before this Hon'ble High Court.
4. During the pendency of the aforesaid Appeal, the Appellant and the Respondent Nos.1 & 2 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. 9,45,790/- before Learned Commissioner of Employees Compensation at Mumbai on 13/02/2017.
6. The Respondent Nos. 1 & 2 have agreed to accept Rs.4,42,740/- along with proportionate accrued interest thereon from the date of deposit till the date of withdrawal. The Appellant Insurance Company shall give their "no objection" to allow the Respondent Nos. 1 & 2 to withdraw the said amount from the Labour Court, Bandra.
7. The Appellant Insurance Company shall be allowed to withdraw Rs. 5,03,050/- along with proportionate accrued interest thereon from the date of deposit till the date of withdrawal. The Respondent Nos. 1 & 2 shall give their "no

Handwritten signature
Adv. for Respondent No. 1 & 2

Handwritten signature



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objection" to allow the Appellant to withdraw the said amount from the Labour Court, Bandra.

8. The Respondent Nos. 1 & 2 shall have liberty to proceed against the Respondent No. 3 (Mr. Mansukh G. Marvi, Partner M/s. Quality Constructions) and Respondent No. 4 (Mr. Ballappa Kallappa, Proprietor M/s. B.K. Construction) for recovery of interest and penalty pursuant to order dated 21/07/2016 passed by Learned Commissioner of Employees Compensation and Judge, 5th Labour Court, Mumbai in WCA/457/B-88/2012.

9. The Respondent Nos. 1 & 2 shall have no further claims whatsoever against Appellant Insurance Company in any Court/Tribunal/Forum/Judicial/Quasi-Judicial Authority in India.

10. In view of the above, the impugned Judgment and Award dated 21/07/2016 passed by Learned Commissioner of Employees Compensation and Judge 5th Labour Court, Mumbai stands modified and the claim of the Original Claimants stands fully satisfied against the Appellant Insurance Company. The Claim Application filed by the Respondents/Claimants before the Commissioner as well as

Done
Adv. For Respondent No. 1 & 2

Done



(Left hand thumb)

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the aforesaid First Appeal with Civil Applications therein filed by the present Appellant stands disposed of in terms of the present Consent Terms.

11. The Decree to be drawn up accordingly.

Dated this 3rd day of March 2024

Sybil
SNEHA S. NADKAR / स्नेहा एस. नाडकर
Assistant Manager / पंजीयन अधिकारी

For The New India Assurance Co. Ltd.
Appellant



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Pentappa Ramulu Baidla
Respondent No. 1

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

Balamani Ramulu Baidla
Ms. Balamani Ramulu Baidla
Respondent No 2

Explained, Interpreted & identified by us,

R.V. Sankpal
FOR, R.V.SANKPAL & ASSOCIATES
ADVOCATES FOR THE RESPONDENT NOS. 1 & 2

Spl.

4. The Respondents have filed copy of Aadhar cards showing their names for the sake of identification which are taken on record. They are marked at Article-C collectively.
5. Accordingly, the Appeal stands disposed of as per the '*consent terms*' marked Article – A.
6. The '*consent terms*' shall form part of the Award. The signatories to the '*consent terms*' acknowledge the contents of '*consent terms*'.
7. Civil Applications/Interim Applications, if any, are also disposed of.

[S. N. PHAD]
MEMBER

[V. V. KATHARE]
MEMBER

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