

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

FIRST APPEAL NO. 1464 OF 2016

Reliance General Insurance Co. Ltd.
Through its Manager : ...Appellant
Mr.Amit Ashwini Sharma

Vs.

Smt.Reena Pradeep Rughani and Ors. ...Respondents

Ms.Deepika Prabhala i/b. Res Juris – Advocate for the Appellant.
Mr.T.R.Kale i/b. Mr.T.J.Mendon – Advocate for Respondent Nos.1 to 4.

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 Respondents have entered into the 'consent terms' which is marked 'X' for identification. The 'consent terms' are signed by the parties and are taken on record.

2. The parties are identified by the Advocate for Respondents Mr.T.J.Mendon and Advocate Shri.K.D.Sonawane for appellant. Learned Counsel for the Respondents 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 Respondents states that they have explained to all the signatories the '*consent terms*' and after understanding the same, they have signed it. The Counsel for the Appellant and respondent acknowledges the '*consent terms*'. For ready reference, the consent terms are scanned and reproduced herein below :-

X

CORAM: M. Mendlikar, J.
R.V.V. Kotharia
& S.N. Prasad
51-03/03/2016
Tendered in the
Court marked X

IN THE HIGH COURT OF JUDICATURE AT MUMBAI
CIVIL APPELLATE JURISDICTION
FIRST APPEAL NO. 1464 OF 2016

IN

M.A.C.T. No. 949 of 2008

Dist-Nashik

Reliance Gen. Ins. Co. Ltd

Appellant

V/s

Rama Pradhep Rughani & others

Respondents

Consent Terms:

1. The above Appeal is filed by Reliance Gen. Ins. Co. Ltd challenging the Judgment and Award dt.11.03.2016 passed by the Learned Member, M.A.C.T., at Nashik in claim Application No. 949 of 2008.
2. By the said Judgment the learned Member directed the Appellant to pay a sum of Rs. 43,93,000/- with interest @7.5% per annum from the date of application till the realization.
3. Being aggrieved by the Judgment of M.A.C.T. at Nashik filed First Appeal being F.A. No. 1464 of 2016 before the Hon'ble High Court at Bombay and also filed an application for stay of the Execution of the impugned judgment.
4. The Hon'ble High Court was pleased to stay the impugned judgment and Awarded with condition depositing the entire amount due and payable under the award before the M.A.C.T at Nashik, the Appellant had accordingly deposited the entire amount due and payable under the award before the M.A.C.T at Nashik.
5. The Appellant and the Respondents No.1 to 4 have negotiated and discussed the above matter for amicable settlement to avoid the stream lined litigation, agreed to settle the entire claim on following terms:

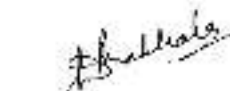
R. Pradhep

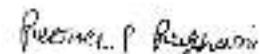


Rama Pradhep Rughani
R. Pradhep

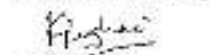
6. The Appellant will receive as refund a lump sum amount of Rs.15,00,000/- (Rupees Fifteen Lakhs only), without interest, out of the total amount deposited by the Appellant under the impugned award.
7. The Original Claimants i.e., Respondents No.1 to 4 will receive the entire balance amount lying in FDR, along with accrued interest till date, on the whole total amount deposited by the Appellants.
8. The Respondents No.1, to 4 will not claim any amount as compensation from the Opp. Party i.e., Respondent No. 5 herein and the settlement is full and final.
9. In view of the above the judgment and award dated 11.03.2016 may be modified accordingly.
10. The Appellant shall be entitled to be refund of Court Fees as per rules.
11. The Award to be modified accordingly.

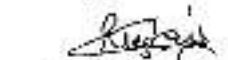

Appellant

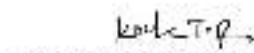

Advocate for Appellant


Respondent No.1


Respondent No.2


Respondent No.3


Respondent No.4
SINGH - C.A. Respondent No.5


Advocate for Respondents No. 1 to 4

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*'.
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 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