

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

FIRST APPEAL NO. 1216 OF 2011
WITH
FIRST APPEAL NO. 1214 OF 2011

The Oriental Insurance Company Limited ...Appellant

Vs.

Ms.Neeta Anant Karanjkar and Ors. ...Respondents

WITH
FIRST APPEAL NO.1215 OF 2011

The Oriental Insurance Company Limited ...Appellant

Vs.

Kum.Neeta Anant Karanjkar and Anr. ...Respondents

WITH
INTERIM APPLICATION NO. 392 OF 2019
IN
FIRST APPEAL NO.1215 OF 2011

Smt.Neeta Anant Karanjkar ...Applicant

Vs.

Shri.Hindurao M. Saket and Anr. ...Respondents

Ms.Dnyanada Avhad – Assistant Manager, Ms.Rema Subramaniam –
Satish Sangar
1/12

Incharge – Legal Hub, Ms.Smita Shenoy – Regional Manager – for Appellant – Insurance Company.

Mr.Pintu Singh (Appointed Advocate through Legal Aid) for Respondent.

Mrs.Sneha Hatakar – Respondent No.3 (Through V.C.).

Ms.Neeta Karanjkar – Respondent No.1 present in person.

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 Respondents have entered into the '*consent terms*'. Marked 'X', 'Y' and 'Z' for identification.
2. Learned Counsel for Appellant and learned Counsel for Respondent state that the parties have signed in their presence and they have identified their signatures except Mrs.Sneha Nitin Hatakar who was present through video conferencing and verified today before Forum. Learned Counsel for both the parties have explained to the signatories all the '*consent terms*' and given understanding about the same. For ready reference, the consent terms marked as 'X', 'Y' and 'Z' are scanned and

reproduced herein below :-

CORAM: S.M. Medhi, J.
 V.V. Bhatnagar
 S.N. Phadnis
 03/03/2024

Transferred in court
 03/03/2024

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
 CIVIL APPELLATE JURISDICTION
 FIRST APPEAL NO. 1214/2011
 DIST: Thane

Oriental Insurance Company Ltd
 Legal Hub Mumbai
 SBI annex building, 3rd floor
 Horniman Circle Fort, Mumbai
 Appellant
 (Original Respondent No 2)
 Versus

- Ms. Neeta Anant Karanjkar
Age 27 yrs
Neeta A. Karanjkar
- Ms. Dipali Anant Karanjkar
Age 25 yrs
D/o Haldankar
- Mrs. Sneha Nitin Haulkar
Age 33 yrs
- Mrs. Supriya Prashant Haldankar
Age 31 yrs
Haldankar

All residing at Contractor Building no 2
 Room No 28 3rd Floor
 Raja Ravi Mohan Roy Prarthana Samaj
 Girgaum Mumbai 400004
 D. Haldankar

5. Hindurao M Saket)... Respondents

(Respondent no. 1 to 4 being Original applicants 1 to 4 and
Respondent no. 5 being original Respondent 1 Insured)

CONSENT TERMS BETWEEN THE APPELLANT AND

RESPONDENT NO. 1 to 4

TO,

THE HON'BLE CHIEF JUSTICE AND

THE HON'BLE PUISNE JUDGES OF THE HON'BLE HIGH COURT AT
BOMBAY

MOST RESPECTFULLY SHEWETH

*C/o Desai,
Frederick
Sangar
Hindurao
Nanda A. Karanjkar*

1. The Respondent No 1 to 4 had filed motor accident claim petition bearing no. 524/2002 under Section 166 of the Motor Vehicles Act, 1988 before Motor Accident Claims Tribunal, Thane (Ld. MACT) thereby claiming compensation of Rs. 3,34,000/- in respect of the death of their father Late Anant Karanjkar in a motor vehicular accident dated 19/02/2001. The Ld. MACT had allowed the application and passed the judgment and award dated 14.03.2006, thereby directing the Appellant, Insurer and Respondent no 5 to jointly and severally pay compensation of Rs. 3,34,000/- with interest @ 7.5% from the date of application till realization.

2. That being aggrieved by the said judgment and award, the Appellant, Insurer had preferred the aforesaid First Appeal which is pending before this Hon'ble High Court. That the Appellant, Insurer has already deposited total amount of Rs. 4,55,711/- before the Ld. MACT. Thence, towards compliance of Stay Order dated 05.12.2006.

Sangar

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

CORAM: S.M. Muddale J.
S.M. Muddale J.
14/03/2024

Forwarded to court
03/03/2024

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

FIRST APPEAL NO. 1215/2011

DIST: Thane

Oriental Insurance Company Ltd

Legal Hub Mumbai

SBI annex building, 3rd floor

Horniman Circle Fort, Mumbai

..... Appellant

(Original Respondent no 2)

Versus

1. Ms. Neeta Anant Karanjkar

Age 27 yrs

Residing at Contractor Building no 2

Room No 28 3rd Floor

Raja Ram Mohan Roy Prarthana Samaj

Girgaum Mumbai 400004

2. Hindurao M Saket)... Respondents

(Respondent no. 1 t being Original applicant and

and Respondent no. 2 being original Respondent 1 .Insured)

Neeta A Karanjkar

CONSENT TERMS BETWEEN THE APPELLANT AND

RESPONDENT NO. 1 to 4

[Signature]

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 Respondent No 1 had filed motor accident claim petition bearing no. 1074/2001 under Section 166 of the Motor Vehicles Act, 1988 before Motor Accident Claims Tribunal, Thane (Ld. MACT) thereby claiming compensation in respect of the injuries suffered by her in a motor vehicular accident dated 19/02/2001. The Ld. MACT had allowed the application and passed the judgment and award dated 14.03.2006, thereby directing the Appellant, Insurer and Respondent no. 5 to jointly and severally pay compensation of Rs. 2,89,000/- with interest @ 7.5% from the date of application till realization.
2. That being aggrieved by the said judgment and award, the Appellant, Insurer had preferred the aforesaid First Appeal which is pending before this Hon'ble High Court. That the Appellant, Insurer has already deposited total amount of Rs. 3,99,208/- before the Ld. MACT, Thane, towards compliance of Stay Order dated 05.12.2006.
3. That during the pendency of the aforesaid Appeal, the Appellant and the Respondent no 1 had meetings for negotiations and settlement of dispute, wherein the parties have reached an amicable settlement between them. The Respondent no. 5 is Insured (formal party) and not a party to the present consent terms. The Respondent no 1 has agreed to accept an amount of Rs. 3,99,208/- (Rupees Three Lakh Ninety Nine Thousand Two Hundred Eight Only) towards full and final settlement of their claim arising from the Award under challenge.

M. A. Karanjia

Dhanraj

4. The said amount, is already deposited at MACT Thane on 28/09/2007 and the same shall be disbursed by the Ld. MACT Thane in favour of the Respondents 1 (Original Appellant in MACT 1074/2001) as apportioned in MACT Order dated 14.03.2006.
5. In view of the aforesaid, the judgment and award dated 14.03.2006, passed by Ld. MACT Thane in M.A.C.P. No.1074/2001 stands modified and the claim of the Respondents No 1 (Original Claimant) stands fully satisfied. The Respondents shall not claim any monies or file any proceedings/suits/any other litigation against the Appellants in any Court/Tribunal/Forums etc. for recovery of monies in respect of compensation which is the subject matter of MACP no. 1074/2001 and First Appeal no. 1215/2011.
6. Statutory deposit of Rs. 25,000/- to be transferred to MACT Thane and the Respondents no 1 is at liberty to withdraw the same. The Respondent no 1 is also at liberty to withdraw the accrued interest from Fixed deposit on amount deposited under Stay.
7. Court fees shall be refunded to Appellants as per rules.
8. The aforesaid First Appeal with pending Civil Applications, if any, may be disposed off in terms of the present Consent Terms.

Dated this 2nd Day of March, 2024

Neeta A. Karanjkar

Appellant

For The Oriental Insurance Co. Ltd.
AO A. Mumbai, T.P. 13/b

Dnyanesh P. Avhad
Asst. Manager

Advocate for Appellant

Neeta A. Karanjkar

Respondent no. 1

(Neeta Karanjkar)

Advocate for Respondent no. 1

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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

FIRST APPEAL NO. 1216/2011

DIST: Thane

Oriental Insurance Company Ltd

Legal Hub Mumbai

SBI annex building, 3rd floor

Horniman Circle Fort, Mumbai

..... Appellant

(Original Respondent no 2)

Versus

1. Ms. Neeta Anant Karanjkar

Age 27 yrs

2. Ms. Dipali Anant Karanjkar

Age 25yrs

3. Mrs. Sneha Nitin Hatkar

Age 33yrs

4. Mrs. Supriya Prashant Haldankar

Age 31yrs

All residing at Contractor Building no 2

Room No 28 3rd Floor

Raja Ram Mohan Roy Prarthana Samaj

Girgaum Mumbai 400004

5. Hindarao M Saket)... Respondents

(Respondent no. 1 to 4 being Original applicants 1 to 4 and
and Respondent no. 5 being original Respondent 1, Insured)

CONSENT TERMS BETWEEN THE APPELLANT AND

RESPONDENT NO. 1 to 4

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 Respondent No 1 to 4 had filed motor accident claim petition bearing no. 1075/2001 under Section 166 of the Motor Vehicles Act, 1988 before Motor Accident Claims Tribunal, Thane (I.d. MACT) thereby claiming compensation in respect of the death of their mother Late Mulini Anant Katurikar in a motor vehicular accident dated 19/02/2001. The I.d. MACT had allowed the application and passed the judgment and award dated 14.03.2006, thereby directing the Appellant, Insurer and Respondent no 5 to jointly and severally pay compensation of Rs. 1,00,000/- with interest @ 7.5% from the date of application till realization.

2. That being aggrieved by the said judgment and award, the Appellant, Insurer had preferred the aforesaid First Appeal which is pending before this Hon'ble High Court. That the Appellant, Insurer has already deposited total amount of Rs.1,43,284/- before the I.d. MACT, Thane, towards compliance of Stay Order dated 05.12.2006.

3. That during the pendency of the aforesaid Appeal, the Appellant and the Respondent no. 1 to 4 had meetings for negotiations and settlement of dispute, wherein the parties have reached

an amicable settlement between them. The Respondent no. 5 is Insured (formal party) and not a party to the present consent terms. The Respondent no 1 to 4 has agreed to accept an amount of Rs. 1,43,284/- (Rupees One Lakh Forty Three Thousand Two Hundred Eighty Four Only) towards full and final settlement of their claim arising from the Award under challenge.

4. The said amount, is already deposited at MACT Thane on 28/09/2007 and the same shall be disbursed by the Ld. MACT Thane in favour of the Respondents 1 to 4 (Original Appellants in MACT 1075/2001) as apportioned in MACT Order dated 14.03.2006.

Meeta Marwaha

*Dr. Deepak
Shankar*

*Supriya
Shankar*

5. In view of the aforesaid, the judgment and award dated 14.03.2006, passed by Ld. MACT Thane in M.A.C.P. No.1075/2001 stands modified and the claim of the Respondents No 1 to 4(original Claimant) stands fully satisfied. The Respondents shall not claim any monies or file any proceedings/suits/any other litigation against the Appellants in any Court/Tribunal/Forums etc. for recovery of monies in respect of compensation which is the subject matter of MACP no. 1075/2001 and First Appeal no. 1216/2011

6. Statutory deposit of Rs. 25,000/- to be transferred to MACT Thane and the Respondents no 1 to 4 are at liberty to withdraw the same. The Respondent no 1 to 4 are also at liberty to withdraw the accrued interest from Fixed deposits on amount deposited under Stay.

7. Court fees shall be refunded to Appellants as per rules.

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

Dr. Deepak

Dated this 8th Day of March, 2024

For The Oriental Ins. Co. Ltd.
90 V. Mumbai, I.P. Hub

[Signature]
Dayanada P. Acharya
Asst. Manager

Appellant

Advocate for Appellant

Respondent no. 1

Advocate for Respondent no.

1 to 4 *[Signature]*
(Neeta Kuranjkar)

C/o *[Signature]*

Respondent no 2

(Dipali Kuranjkar)

Respondent no 3

(Sucha Hatalkar)

[Signature]

Respondent no 4

(Supriya Haldankar)

3. Accordingly, the Appeals stand disposed of in terms of the 'consent terms' marked 'X', 'Y' and 'Z' respectively.
4. All statements are accepted as an undertaking to this Court. All undertakings are also accepted.
5. All parties to act on an authenticated copy of this order.
6. Civil Applications/Interim Applications, if any, are also disposed of.
7. The parties are entitled for refund of Court fees as per the Rules.
8. In view of the disposal of these Appeals by way of compromise effected, the Motor Accident Claims Tribunal ["MACT"] – Thane is directed to disburse the amount in the Bank accounts of respective Claimants as per the apportionment done in the original Award and by way of NEFT or RTGS by following the Rules.
9. The '*consent terms*' shall form part of the Award. The signatories of the '*consent terms*' acknowledge the contents of '*consent terms*'.

[S. N. PHAD]
MEMBER

[V. V. KATHARE]
MEMBER

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