

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BEFORE THE NATIONAL LOK ADALAT**

CIVIL APPELLATE JURISDICTION

**FIRST APPEAL NO.109 OF 2024
WITH
INTERIM APPLICATION NO.1023 OF 2024
IN
FIRST APPEAL NO.109 OF 2024
WITH
INTERIM APPLICATION NO.13071 OF 2024
IN
FIRST APPEAL NO.109 OF 2024**

The New India Assurance Company Limited, Mumbai.Appellant

Versus

Mr. Parag Madhukar Kadu and anr.Respondents

Ms. Jyoti B. Pandey i/by Mr. Devendranath Shrikant Joshi, Advocates for the Appellant.

Mr. Sachin Vanjare, Advocate for the Respondent No.1.

Mr. S. N. Dash, DGM with Mr. Sourin Saha, Assistant Manager and Mr. Shivansh Yogi, A.O. (Legal) for New India Assurance Company Limited, Mumbai are present.

**CORAM : SADHANA S. JADHAV, J.,
HEAD OF THE PANEL
S.R. AGRAWAL, REGISTRAR,
(JUDICIAL-II), MEMBER
P.R. NAALE, OSD AT
(JUDICIAL-I), MEMBER**

DATE : 14th DECEMBER, 2024.

P.C. :

1. Not on board. Taken on board at the request of parties.

2. The learned counsel for the Appellant submits that the Appellant had deposited an amount of Rs.1,22,04,812/- in the Court of Motor Accident Claims Tribunal (“MACT”), Mumbai alongwith the accrued interest at the rate of 7% p.a. from the date of application. The amount which is lying in the Court of MACT, Mumbai is Rs.1,68,83,443/-. The Claimant has agreed to settle at the amount of Rs.1,41,50,789/- which the Claimant is entitled to withdraw. The amount of Rs.25,000/- deposited under section 173 of the Motor Vehicles Act, 1988 be withdrawn by the Appellant. The Appellant is entitled to withdraw the remainder of the amount also. The Respondents are also entitled to withdraw the amount deposited towards no fault liability, if not withdrawn.
3. The Consent Terms are taken on record and marked as Article “X” for the purpose of identification.
4. In view of the Consent Terms, the First Appeal stands disposed of with no order as to costs.
5. Court fees be refunded as per rules.
6. Interim applications, if any, stands disposed of.

(P.R. NAVALE)
OSD at (Judicial-I)
Member

(S.R. AGRAWAL)
Registrar (Judicial-II)
Member

(SADHANA S. JADHAV, J.)
Head of the Panel