

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**BEFORE THE NATIONAL LOK ADALAT****CIVIL APPELLATE JURISDICTION****FIRST APPEAL NO.1396 OF 2019**

The Oriental Insurance Co. Ltd.

Through Motor Third Party

Claim Hub

....Appellant

Versus

Smita Ramesh Sawant and Anr.

....Respondents

WITH**INTERIM APPLICATION NO.7720 OF 2024****IN****FIRST APPEAL NO.1396 OF 2019**

Smita Ramesh Sawant

....Applicant

IN THE MATTER BETWEEN

The Oriental Insurance Co. Ltd.

....Appellant

Versus

Smita Ramesh Sawant and Anr.

....Respondents

WITH**CIVIL APPLICATION NO.3265 OF 2019****IN****FIRST APPEAL NO.1396 OF 2019**

The Oriental Insurance Co. Ltd.

Through Motor Third Party

Claim Hub

....Applicant

Versus

Smita Ramesh Sawant and Anr.

....Respondents

Mr Devendranath Joshi, for the Appellant.

Mr Vasant More, for Respondent No.1.

Ms Dnyanada Avhad, Assistant Manager, Oriental Insurance Company, is present.

CORAM : R.N. LADDHA, J.,
HEAD OF THE PANEL
H.M. BHOSALE, REGISTRAR,
(JUDICIAL-I), MEMBER
D.V. KUTE, DEPUTY REGISTRAR
PERSONNEL, MEMBER

DATE : 27th JULY, 2024.

P.C. :

1. This appeal is filed by the appellant to challenge the judgment and award dated 14 March 2019 passed by the learned Commissioner for Employees Compensation, Third Labour Court, Mumbai, in Application (ECA) No.368/B-77 of 2015 (having CNR No.MHLC 01-001020-2015). By the impugned award, the appellant was directed to pay respondent No.1 Rs.8,31,920/- along with interest at the rate of 12% per annum as compensation and Rs.4,15,960/- towards penalty.

2. Mr Devendranath Joshi, the learned Counsel appearing on behalf of the appellant and Mr Vasant More, the learned Counsel representing respondent No.1, in unison, submit that during the pendency of the appeal, the parties have settled the dispute amicably and executed consent terms dated 27 July 2024, which have been placed on record. The learned Counsel for respondent No.1 submits that respondent No.1 has agreed to accept a sum of Rs.11,82,447/- towards the settlement of her claim and has no objection to the withdrawal of the penalty amount of Rs.4,15,960/- along with the interest accrued thereon by the appellant.

Further, the learned Counsel for the appellant submits that the appellant consents to respondent No.1 withdrawing Rs.11,82,447/- along with the interest accrued thereon, as deposited by the appellant before the learned Commissioner. The contesting parties are identified by their respective Counsel. The consent terms are taken on record and marked as 'X' for identification.

3. Given the foregoing, the present appeal is disposed of in terms of the consent terms. As agreed between the parties, the sum of Rs.11,82,447/- deposited by the appellant before the learned Commissioner for Employees Compensation, Third Labour Court, Mumbai, along with the interest accrued thereon, is permitted to be released in favour of respondent No.1. Likewise, the appellant is permitted to withdraw the penalty amount of Rs.4,15,960/- along with the interest accrued thereon, as deposited by it before the learned Commissioner.

4. In view of the disposal of the First Appeal, pending applications, if any, also stand disposed of.

5. Accordingly, the Court fees be refunded as per rules.

(D.V. KUTE)
Deputy Registrar
(Personnel)
Member

(H.M. BHOSALE)
Registrar (Judicial-I)
Member

(R.N. LADDHA, J.)
Head of the Panel