

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

**FIRST APPEAL (ST.) NO. 21303 OF 2021
WITH
INTERIM APPLICATION NO. 307 OF 2024
IN
FIRST APPEAL (ST.) NO. 21303 OF 2021**

Kailash Sonu Dhalwale and Ors. Appellants

V/s.

Manoj Mahendra Baviskar and anr. Respondents

Mr. Rahul Ahmed Siddiqui a/w. Mr. Siddharth Patil, appointed
for the Appellants.

Ms. Prachi Pawar and Adv. Sayanthani Mitra for Respondent No.2.

Mr. Dnyanada P. Avhad, Asst. Manager of Respondent No.2 – Oriental
Insurance Company, present.

CORAM : **SHRI. SHYAM C. CHANDAK, J.**
(HEAD OF THE PANEL)

SHRI. G.P. DESHMUKH,
OSD at CPC
(MEMBER)

SHRI. VISHAL A. SATHE,
OSD at Central Project Co-ordinator
(MEMBER)

DATE : **13th SEPTEMBER, 2025**

P.C. :-

. Mr. Siddiqui, the learned appointed Advocate for the Appellants, Ms. Prachi Pawar, learned Advocate for Respondent No.2 and Mr. Dnyanada Avhad, Asst. Manager of Respondent No.2 – Insurance Company have tendered the Consent Terms dated 13th September, 2025. They stated that the dispute between the parties is settled and the present Appeal may be disposed of as per the Consent Terms.

2) The Consent Terms are signed by the parties and their

respective Advocates. The Consent Terms are read and recorded. The Consent Terms are marked as 'X'.

3) As stated in the Consent Terms, the Tribunal awarded an amount of Rs.2,67,600/- alongwith interest at the rate of 7.5 % p.a. from the date of the petition till realization. The Appellants and Respondent No.2 have mutually decided to settle the dispute between them for an amount of Rs.17,28,000/-. The Appeal deserves to be disposed of as compromised in terms of the Consent Terms.

4) Hence, following Order is passed.

5) The impugned Award is modified as under :-

(a) The Respondent No.2 shall pay Rs.17,28,000/- to the Appellants within a period of seven weeks from today.

(b) The said amount shall be deposited before the Motor Accident Claims Tribunal, Mumbai.

(c) As stated by the learned Counsel for the Appellant, the said amount be disbursed amongst the Appellants equally.

6) Appeal stands disposed of as compromised in terms of the Consent Terms.

7) Award be drawn accordingly.

8) Pending Application/s, if any, stand disposed of in view of the disposal of the Appeal.

9) Statutory deposit, if any, with the accrued interest shall be transferred to the Tribunal for its refund.

10) Court fee, if any, be refunded as per Rules.

- 11) The Consent Terms shall form part and parcel of this Order.
- 12) Honorarium be paid to the appointed Counsel for the Appellant.

(SHRI. VISHAL A. SATHE)
MEMBER

(SHRI. G.P. DESHMUKH)
MEMBER

(SHRI. SHYAM C. CHANDAK, J.)
HEAD OF THE PANEL

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Convent Shyam C Chaudhary, J.

Taken on Record in Lok Adalat 20

IN THE HIGH COURT OF JUDICATURE AT BOMBAY 13/9/24

CIVIL APPELLATE JURISDICTION

FIRST APPEAL(L) NO. 21303 OF 2021

IN

M.A.C.P NO. 2611 OF 2012

DISTRICT: MUMBAI

1. Kailash Sonu Dhalwale)
Age – 48 years, Occ- Service)
2. Shailesh Sonu Dhalwale)
Age – 46 Years, Occ – Service)
3. Rajesh Sonu Dhalwale)
Age – 43 years, Occ – Service)
All residing at Narayan Darshan)
CHS, 1st Floor, Shivaji Nagar,)
Waldhuni, Klayan (E), Dist – Thane)...Appellants

Versus

1. Manoj Mahendra Baviskar)
Room no. 4, Pooja Niwas,)
Service Rd, Nr. Shishu Vikas School)
Beturkarpad, Kalyan (W))

2. Oriental Insurance Co. Ltd.)

State Bank of India, Annex Building,)

2nd Floor, 7, J.T. Road)....Respondents

(Respondent no. 1 being original Opp. Party no. 1 & Respondent
No. 2 being original opposite party no. 2)

CONSENT TERMS BETWEEN APPELLANT AND

RESPONDENT NO. 2

TO,

**THE HON'BLE THE CHIEF JUSTICE AND
THE HON'BLE PUISNE JUDGES OF THE
HON'BLE HIGH COURT AT BOMBAY**

MOST RESPECTFULLY SHEWETH:

1. The aforesaid Appeal has been preferred assailing the award dated 29.08.2019, passed by Ld. Motor Accident Claim Tribunal, Mumbai in Claim Petition no. 2611/2012, whereby the Ld. Tribunal had awarded an amount of Rs. 2,67,600/- with interest at 7.5% p.a. from the date of petition till realization.
2. The Appellants No.1 to 3 are the original claimants who had filed claim petition for compensation for accidental death of their mother . The present consent terms have been executed between

Appellants and Respondent no. 2 and that the Respondent no. 1 is not a party to the present consent terms. Hence, the signature of Respondent no. 1 on the present consent terms is not required.

3. The present appeal has been filed for enhancement of compensation.

**THE PARTIES TO THE CONSENT TERMS HEREBY
AGREE AS FOLLOWS:**

1. That the Appellants and Respondent no. 2 have mutually decided to settle the dispute between them for an amount of Rs. 17,28,000/- (Seventeen Lakhs Twenty Eight Thousand)
2. It is hereby agreed between the parties that the aforesaid amount of 17,28,000 /- shall be deposited by the Respondent no. 2 before the Ld. Motor Accident Claim Tribunal, Mumbai, within a period of 7 weeks (Seven) from today (13.09.2025.)
3. That the Appellants shall not claim any monies or file any proceedings/suits/any other litigation against the Appellant in any Court/Tribunal/Forums etc. for recovery of monies in respect of

compensation which is the subject matter of MACP no. 2611 /2012.

4. The aforesaid First Appeal maybe disposed off in terms of consent terms along with all the Interim Applications, pending before this Hon'ble Court.
5. The court fees and statutory deposit , along with interest , if any , may be permitted to be refunded.

This consent terms are filed on 13th day of September, 2025.

Appellant No.1



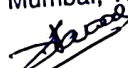
Appellant No.2



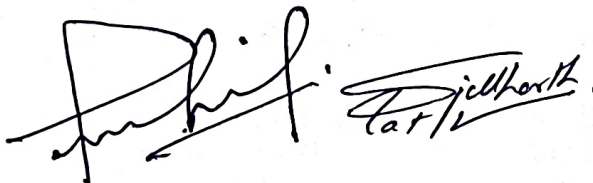
Appellant No.3



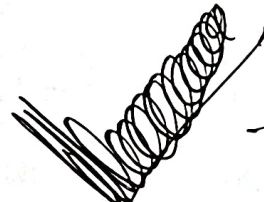
For The Oriental Insc. Co. Ltd.
RO II, Mumbai, T.P. Hub


Dnyanada P. Avhad
Asst. Manager

Respondent No. 2



Advocate for Appellants



Res Juris
Advocate for Respondent no. 2