

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

**FIRST APPEAL (ST.) NO. 34538 OF 2023
WITH
INTERIM APPLICATION NO. 6585 OF 2024
WITH
INTERIM APPLICATION NO. 6584 OF 2024
IN
FIRST APPEAL (ST.) NO. 34538 OF 2023**

The New India Assurance Co. Ltd., Thane Appellant

V/s.

Chamara Somara Uraw and Ors. Respondents

Ms. S.S. Dwivedi i/b. Ms. Jyoti Bajpayee for the Appellant.

Mr. Sachin Vanjare for Respondent Nos.1 to 5.

Respondent Nos.1 to 5 (through VC)

Mr. Shivansh Joshi, Administrative Officer (Legal) of the New India Assurance Co., 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. :-

. Ms. Dwivedi, the learned Counsel for the Appellant and Mr. Vanjare, the learned Counsel for Respondent Nos.1 to 5 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 Respondent No.2 has signed the Consent Terms for herself and on behalf of Respondent Nos.4 and 5 (both being minors). The Consent Terms are also signed by the learned Counsel for the parties. The parties are identified by the learned Counsel. The Consent Terms are read and recorded. The Consent Terms are marked as 'X'.

3) As stated in the Consent Terms, the Appellant has deposited an amount of Rs.13,22,343/- [principal amount – Rs.9,00,880/- and interest – Rs.4,21,463/-]. Learned Counsel for the parties stated that the said entire amount is lying in a fixed deposit. As per the Consent Terms, Respondent Nos.1 to 5 have agreed to accept Rs.11,11,611.50/- [principal amount – Rs.9,00,880/- and 50% interest, i.e., Rs.2,10,731.50/-]. The Appellant will be entitled for refund of the balance interest amount of Rs.2,10,731.50/-. 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 Appellant shall pay total compensation of Rs.11,11,611.50/- (Rs.9,00,880/- + Rs.2,10,731.50/-) along with interest accrued thereon with the Commissioner for Employees Compensation, Thane from the date of deposit till realization of the said amount.

(b) The balance amount of Rs.2,10,731.50/- along with

accrued interest thereon, shall be refunded to the Appellant.

- 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.

(SHRI. VISHAL A. SATHE)
MEMBER

(SHRI. G.P. DESHMUKH)
MEMBER

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

**PREETI
HEERO
JAYANI**

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PREETI HEERO
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Date: 2025.10.04
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13/9/25

IN THE HONOURABLE HIGH COURT OF JUDICATURE

CIVIL APPELLATE JURISDICTION

FIRST APPEAL St.No.34538 of 2023

DISTRICT: THANE

The New India Assurance Co. Ltd.

...Appellant

Versus

Chamara Somara Uraw and others

...Respondents

—चमरा सोमरा उराव—

CONSENT TERMS

1. The Respondent No.1 to 5 had filed application (ECA) No. 147/B-33 of 2023 before Honorable Commissioner for Employees Compensation at Thane thereby claiming Compensation in respect of death of Mr. Saroj Chamara Uraw in accident.
2. The said application was allowed vide Judgment and order dated 09/05/2023 directing the Appellant/Insurer to pay



compensation of Rs.9,00,880/- along with interest at the rate of 12% from the date of application till realization.

3. The Appellant/Insurer has preferred aforesaid first appeal taking exception to the said Judgment and the same is pending before this Honorable High Court.
4. The Appellant/Insurer has deposited an amount of Rs. 13,22,343/- (Rs. Thirteen Lakh Twenty Two Thousand Three Hundred Forty Three Only) i.e. Rs. 9,00,880/- as Principal amount and Rs. 4,21,463/- as Interest on 22/11/2023 in office of Commissioner for Employees compensation, Thane.
5. The Appellant states that the Respondents 1 to 5 have filed withdrawal Application WCA (G) No.296 OF 2023 before the Commissioner for Employees Compensation, Thane.
6. During the pendency of aforesaid appeal the Appellant and the Respondent had meetings for negotiations and settlement



of dispute once for all wherein the parties have reached to an amicable settlement out of the court.

7. The Respondent Nos. 1 to 5 are agreed to accept Rs. 11,11,611.50 (Principal amount of Rs. Rs.9,00,880/- and 50% interest Rs. 2,10,731.50) and accrued interest on the said amount from date of deposit till realization towards full and final settlement. The Appellant (Insurer) will be entitled for Rs. 2,10,731.50 with accrued interest thereon from the date of deposit till realization. The Appellant and the Respondent are entitled to accrued interest from date of deposit of amount till realization on respective amount. The Respondents 1 to 5 reserve their rights to claim interest and penalty from the Respondent No.6.

8. In view of the above the Impugned Judgment and order dated 09/05/2023 pass by Commissioner for Employees Compensation, Mumbai in (ECA) No. 147/ B-33 of 2020 stands modified and the claim of the original Applicant stand fully satisfied as against the Appellant. The



Application filed by the Respondent/Applicant before the Commissioner for Employees Compensation against the Appellant as well as the aforesaid First Appeal with Civil Application herein filed by the present Appellant stand disposed of in terms of present consent terms. The Decree to be drawn up accordingly.

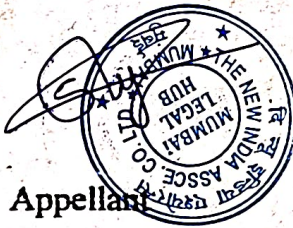
High Court, Mumbai

This 13th day of September 2025

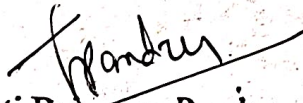
For New India Assurance Co. Ltd. 1. Shri Chamara S Uraw

2. Smt. Mangri C. Uraw
(for Minor i.e. Respondent No. 4 & 5) मेजरी उराइन
(for herself & minor no. 4 & 5)

3. Sukro Kumari C Uraw सुकरी कुमारी

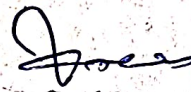


Explained & interpreted
Identified by me;


Jyoti Bapayee Pandey
Advocate for the Appellant

Respondents


Sachin Vanjare


Sachin Vanjare
Advocate for the Respondents