

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

**FIRST APPEAL NO. 1571 OF 2024
WITH
INTERIM APPLICATION NO. 7880 OF 2024
IN
FIRST APPEAL NO. 1571 OF 2024**

The New India Assurance Co. Ltd.	 Appellant
V/s.	
Mrs. Vandana Dinkar Patil and Ors.	 Respondents

Ms. Ishita Bhole i/b. Mr. Asim Vidyarthi for the Appellant.
Ms. Fatima Khan for Respondent No.1.
Mr. S.N. Dash, Deputy General Manager, Representative of Appellant -
Insurance Company, present.
Mrs. Vandana Dinkar Patil, Respondent No.1, present.

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

SHRI. S.H. GWALANI,
JUDGE, CBI, COURT,
CITY CIVIL COURT, MUMBAI
(MEMBER)

SHRI. R.V. WANWADI,
DY. REGISTRAR, INSPECTION
(MEMBER)

DATE : 10th MAY, 2025

P.C. :-

- . Not on board. Upon mentioning, taken on board.
- 2) Mr. S.N. Dash, Officer of the Appellant-Insurance Company,
Mrs. Vandana Dinkar Patil, Respondent No.1 and their respective Advocate
are present and tendered Consent Terms dated 10th May, 2025. They

stated that the dispute between the parties is settled as per the Consent Terms and the present Appeal may be disposed of as per the Consent Terms.

3) The Consent Terms are duly signed by the parties and their respective Advocates. The Consent Terms are read and recorded and marked as 'X'.

4) The Appeal is disposed of as compromised in terms of the Consent Terms.

5) Award be modified and drawn according to the Consent Terms.

6) In view of disposal of the Appeal, Interim Application No.7880 of 2024 does not survive and stands disposed of.

7) Statutory deposit, if any, be transferred to the Tribunal.

8) Court fee, if any, be refunded as per rules.

9) The Consent Terms shall form part and parcel of this Order.

(SHRI. R.V. WANWADI)	(SHRI. S.H. GWALANI)	(SHRI. SHYAM C. CHANDAK, J.)
MEMBER	MEMBER	HEAD OF THE PANEL

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JAYANI

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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

FIRST APPEAL No. 1571 OF 2024

*[From Award and Judgment passed in MACP No. 690 of 2015 by
the MACT, Mumbai]*

THE NEW INDIA ASSURANCE CO. LTD

...Appellant

Versus

Mrs. VANDANA DINKAR PATIL & Ors.

...Respondent

CONSENT TERMS OF SETTLEMENT

1. The Appellant (the Insurer) and the Respondent No. 1 (the Original Claimant) have arrived at an amicable settlement for the total sum of Rs. 78,21,349/- (Rupees Seventy Eight Lakhs Twenty One Thousand Three Hundred and Forty Nine Only) as full and final compensation in the present Appeal.
2. The Respondent No. 1 (Original Claimant) had been awarded a sum of Rs. 51,79,000/- (Rupees Fifty One Lakhs Seventy Nine Thousand Only) inclusive of NFL amount i.e., Rs. 50,000/- with interest @7.5% p.a. and costs by the Motor Accidents Claims Tribunal ("MACT") for Mumbai in the above referred MACT application. The Respondent No. 2 (Original Claimant), the father of the deceased, had expired during the pendency of the claim application before the Ld. Tribunal, as is mentioned in the impugned order of the above-referred MACT application. The Appellant Insurance Company vide Order dated 18th April 2024 of this Hon'ble Court deposited the entire decretal amount of Rs. 86,19,937/- (Rupees Eighty Six Lakhs Nineteen Thousand and Nine Hundred Thirty Seven Only) in the Hon'ble Tribunal, 50% of which has been withdrawn by the said Respondent No. 1 vide Order dated 13th November 2024.

3. The Appellant is agreeable to the Respondent No. 1 (Original Claimant) withdrawing the amount of Rs. 78,21,349/- (Rupees Seventy Eight Lakhs Twenty One Thousand Three Hundred and Forty Nine Only) along with the accrued interest as compensation towards full and final settlement of the claim. Liberty to be granted to this Appellant to withdraw the remaining amount of Rs 7,98,588/- (Rupees Seven Lakh Ninety Eight Thousand Five Hundred and Eighty Eight) along with accrued interest from the total amount deposited in the Learned Tribunal.
4. The matter may be thus marked settled by this Hon'ble Court for a total sum of Rs. Rs. 78,21,349/- (Rupees Seventy-Eight Lakhs Twenty One Thousand Three Hundred and Forty Nine Only) inclusive of interest, costs, etc. that has been paid by the Appellant in the past under the Award passed by the learned MACT Mumbai.
5. Rs. 25,000/- deposited by the Appellant under Section 173 of the Motor Vehicles Act, 1988 in this Hon'ble Court be transferred to the Learned Tribunal and liberty to withdraw the same shall be granted to the said Respondent No 1. Further, liberty be granted to this Appellant to withdraw the court fees from this Hon'ble Court as per the applicable rules.
6. The Appellant confirms that he has not filed & he will not file any proceedings of whatsoever nature against the Respondent No. 1 in respect of the said claim. In view of the above, the claim of the Respondent No 1 (Original Claimant) stands fully satisfied in the aforesaid terms and the said Respondent No. 1 undertake not to make any further claim against the Appellant. The present First Appeal preferred by the Appellant before this Hon'ble Court stands disposed off in terms of the present Consent Terms.

7. The said Respondent No. 1 have been explained the contents of the present Consent Terms in vernacular language by their Advocate and they confirm the contents of the same to be true & correct and have no grievance about the present settlement. The Advocate for both the parties have also signed the present Consent Terms in token of the above as well as identifying the Appellant.

Dated this 10th day of May 2025.

कृते एवं वास्ते / For & On Behalf of
वि न्यू इंडिया एश्योरन्स कंपनी लिमिटेड
THE NEW INDIA ASSURANCE CO. LTD.

APPELLANT

वि न्यू इंडिया एश्योरन्स कंपनी लिमिटेड
THE NEW INDIA ASSURANCE CO. LTD.
DULY CONSTITUTED ATTORNEY(S)

V.D. Patil

RESPONDENT No. 1

Mrs. Vandana Dinkar Patil

एच. एन. दाश
S. N. DASH
उप प्रबन्धक
Dy. Gen. Manager



Identified by me,

Asim S. Vidyarthi
Adv. Asim S. Vidyarthi
Advocate for the Appellant

Identified by me,

Vandana Dinkar Patil
Adv. Vandana Dinkar Patil
Advocate for the Respondent No.1