

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
INTERIM APPLICATION NO.1346 OF 2024
IN
FIRST APPEAL NO.1072 OF 2015
WITH
FIRST APPEAL NO.1072 OF 2015**

Sou. Sushila Bajirao Chavan & Anr.	...Applicants
<u>IN THE MATTER BETWEEN</u>	
Sou. Sushila Bajirao Chavan & Anr.	...Appellants
Vs.	
Smt. Vanita Shrikant Patil & Ors.	...Respondents

Ms. Shraddha Pawar, for the Applicants/Appellants.

Mr. Jayant Bardeskar, for the Respondents.

CORAM : SHYAM C. CHANDAK, J.

DATED : 11th MARCH, 2025

P.C. :-

INTERIM APPLICATION NO.1346 OF 2024

. By way of this Application, the Appellants have prayed to condone delay of 7 years and 191 days in filing this Application and to restore of the aforesaid Appeal which came to be dismissed on 27th June 2016, on account of non compliance of the conditional Order passed by the Registrar (Judicial-II) of this Court.

2) During the pendency of this Application, the Appellants and Respondent Nos.1 to 4 have entered into an amicable settlement. Therefore, the learned Advocate for Respondent Nos.1 to 4 has no objection to restore the Appeal.

3) In view thereof, the Application is allowed. The aforesaid delay is condoned.

4) The Appeal stands restored with immediate effect.

5) Application stands disposed of, accordingly.

FIRST APPEAL NO.1072 OF 2015

. Present Appeal is directed against the Judgment and Order dated 10th July 2014, in MACP No.100 of 2010, passed by the Motor Accident Claims Tribunal, Islampur, District-Sangli.

2) The Appellants and Respondent Nos.1 to 4 have amicably settled this matter subject to payment of an amount of Rs.5,75,000/- towards the full and final settlement. Accordingly, the learned Advocate for the parties tendered the Minutes of Order. The same is taken on record and marked at Exh. "X" for identification.

3) In view thereof, the following Order is passed.

ORDER

- i) First Appeal No.1072 of 2015 is partly allowed.
- ii) The Judgment and Order dated 10th July 2014, in MACP No.100 of 2010, passed by the Motor Accident Claims Tribunal, Islampur, District-Sangli is modified as under:-
 - (a) The MACP No.100 of 2010 is partly allowed to the extent of the Minutes of Order Exh. "X" i.e., payment of compensation amount of Rs.5,75,000/- by the Appellants/Original Opponents to the Respondent Nos.1 to 4/Original Claimants.
 - (b) Out of the said amount, the Appellants have already deposited Rs.4,85,000/- in the Tribunal.

- (c) The Respondent Nos. 1 to 4 are permitted to withdraw the said amount alongwith accrued interest thereon.
 - (d) The Appellants have directly paid Rs.25,000/- to the Respondent Nos.1 to 4.
 - (e) The Appellants shall deposited the balance compensation amount of Rs.65,000/- in the Tribunal within 10 days from today. The Claimants are entitled to withdraw the balance amount of Rs.65,000/- .
- iii) Parties to bear their own costs.
 - iv) The Appeal stands disposed of, accordingly.

SHYAM C. CHANDAK, J.)