



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

FIRST APPEAL (ST) No. 21043 OF 2015

National Insurance Co. Ltd.  
Through Its Mumbai Regional  
Office-Ii

...Appellant

Versus

Smt. Utchimakali Subbiah @  
Subhash and Ors.

...Respondents

WITH  
CIVIL APPLICATION No. 4195 OF 2015

WITH  
CIVIL APPLICATION No. 4194 OF 2015

Adv. Anuradha Kumbhar for the Appellant.

Mr. Niketan Nakhawa a/w R.M. Pawar for the Respondent Nos. 1 to 3

CORAM : AARTI SATHE, J.  
(Head of the Panel)

G.P.DESHMUKH  
(OSD AT CPC)

G.G.BHALCHANDRA  
(OSD, e-HCR/BDLR)

DATE : 9<sup>th</sup> May 2026

PC.

1. Heard learned counsel for both the parties.
2. The aforesaid matter stands settled in view of the Consent Terms dated 9 May 2026 which were tendered in Court today. The same is taken on record and marked as Exhibit "X" for identification.



3. The parties have arrived at the terms of settlement as recorded in the Consent Terms. The Consent Terms have been signed by the respective parties and identified by the Advocates for the respective parties. The scanned consent terms are reproduced below:

**Consent Terms between Appellant & Respondent No.1 to 3.**

- A. The Appellant have filed present First Appeal challenging the Judgment & Order passed by the Hon'ble Chairman, Motor Accident Claims Tribunal, Pune, in Motor Accident Claim Petition No. 583 of 2010 dated 13/02/2015. The Ld. Tribunal has awarded an amount of Rs.23,69,800/- @ 8 % interest p.a. The Respondents No. 1 to 4 are original claimants in MACP No. 583/2010 @ PUNE. The Respondent No.4 expired on 19/02/2024 during the pendency of this First Appeal.
- B. Both, the Appellant and Respondent Nos.1 to 3 (Original Claimants) have entered into the present settlement, terms of which are mentioned below.
- C. The Appellant has deposited an amount of Rs.31,23,320/- (Rupees Thirty-One Lakhs Twenty-Three Thousand Three Hundred Twenty only) vide Bank of Baroda Chq no.000462 dated 21-01-2016 in in the Motor Accident Claims Tribunal, Pune.

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

- A. That out of the total amount deposited, the Respondent Nos.1 to 3 shall be paid an amount of Rs.29,73,320/- (Rupees Twenty-Nine Lakhs Seventy-Three Thousand Three Hundred Twenty only) along with accrued interest on the said deposited amount as full & final settlement of their claim.



B. It is expressly agreed that the Appellant is entitled for a refund of the principal amount of Rs.1,50,000/- (Rupees One Lakh Fifty Thousand only) without interest.

C. As the Respondent No.4, the mother of deceased and grandmother of the Respondent no.2<sup>2 3</sup> expired on 19/02/2024 during the pendency of this First Appeal. The Respondent no.1 to 3 have agreed to distribute the share of the Respondent No.4 - equally both between the Respondent Nos.2 and 3, being the grandchildren of the Respondent No.4. Hereto annexed and marked Exhibit - A is a copy of the death certificate of Respondent no.4, issued on 14/08/2024 by the Government of Tamil Nadu. The Respondent Nos.2 and 3 undertake that they will utilize the said amount for their education and welfare purpose.

D. On account of death of Subbiah alias Subhash Chelliah in accident dated 23-12-2008, the Respondents no.1 to 3 undertake that they individually or jointly and or any person through them will not initiate any other proceedings for any compensation amount in this regard before any Hon'ble court against this Appellant under the MACP no. 583 of 2010. The Respondent 1 to 3 are ready and willing to sign the consent terms of their free will & own consent on the said terms and



undertake to abide by the same. The Respondent no.1 to 3 undertakes to withdraw the execution proceedings pending before the MACT Pune.

- E. This Hon'ble High court be pleased to pass an order of refund of the statutory deposit amount to the Appellant;
- F. This Hon'ble High court be pleased to pass an order of refund of court fees to the Appellant in pursuance to the consent terms.
- G. The First Appeal (St). No. 21043 of 2015 may be disposed-off in terms of consent terms along with all the Civil Applications pending before this Hon'ble Court.


The above Consent Terms are filed on this 9<sup>th</sup> day of May, 2026.

*Hansheda Pans*  
Advocate for Appellant

*NLN*  
Advocates for Respondent Nos.1 to 3.

*R.M. Pawar*  
Adv. R. m. Pawar

*Anuradha Kumbhar*  
Appellant.  
Anuradha Kumbhar  
D. M.



*S. P. Subbiah*  
Respondent No.1  
Smt. Utchimakali Subbiah

*S. P. Subbiah*  
Respondent No.2  
Saranya Subbiah @Subhash

*Ranjith Kumar Subbiah*  
Respondent No.3  
Ranjith Kumar Subbiah @Subhash

4. In view of the aforesaid, the Appeal stands disposed of in terms of the Consent Terms dated 9 May 2026. The scanned copy of the consent



terms dated 9 May 2026 is annexed to this order. The parties are directed to act upon the authenticated copy of this order. The appeal is accordingly disposed of in the above terms. No costs.

5. The Court fee refund, if any, be made in accordance with the applicable rules and statutory provisions. Proceedings be remitted back to the jurisdictional Court if required.

6. Any pending civil applications as well as interim applications, if any, do not survive in view of the aforesaid order and accordingly stand disposed of.

(G.G.BHALCHANDRA)  
(OSD, e-HCR/BDLR)

(G.P.DESHMUKH)  
(OSD AT CPC)

(AARTI SATHE, J.)  
(Head of the Panel)