

IN THE HIGH COURT OF BOMBAY AT GOA

MISC.CIVIL APPLICATION NO. 124 OF 2015

IN

FIRST APPEAL NO. 22 OF 2012

MR. JOSE RODRIGUES.

... Applicant

Versus

SHRI. AVELINO MASCARENHAS AND 2
ORS.,

... Respondents

Mr. U. R. Timble, Advocate for the applicant.

Coram:- K. L. WADANE, J.

Date:- 20th March, 2015

P.C.

The present application is filed by the applicant for refund of an amount of Rs.25,000/- deposited by him at the time of filing of the First Appeal No. 22 of 2012.

2. The above appeal has been disposed of vide judgment dated 7.2.2012 by this Court. Under the said judgment the applicant, respondents no. 2 and 3 were held jointly and severally liable to pay sum of Rs.25,000/- with interest under no fault liability. The Claims Tribunal has earlier held that respondent no. 3 was not liable to pay compensation. Now as per the judgment of this Court insurance company is also held responsible for payment of compensation. Therefore, present applicant prays to refund the amount which he had deposited in this Court while filing of the said appeal.

3. Perused the order of the learned Claims Tribunal and the judgment in First Appeal No. 22 of 2012. In view of the observations

made in the judgment in First Appeal No. 22 of 2012, the insurance company is vicariously liable to pay the compensation. Hence, amount deposited by the present applicant be refunded to him.

4. Application stands disposed of.

K. L. WADANE, J.

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