

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, AT NAGPUR.

CIVIL APPLICATION (CAF) NO.584 OF 2015

IN

FIRST APPEAL NO.1206 OF 2013(D)

(Smt. Rupali wd/o Gajanan Wankhade ..vs.. Bhagyashri @ Shiwali d/o Sanjay Zambode (since dead through L.Rs.) and another)

 Office Notes, Office Memoranda of Coram,
 appearances, Court's orders of directions
 and Registrar's orders

Court's or Judge's orders

CORAM : Z.A. HAQ, J.

DATED : 09-03-2015

None appears for the applicant.

Shri R.D. Bhuibhar, the learned Advocate appears for the non-applicant No.2-Insurance Company and submits that he is not served with the copy of the civil application.

The applicant/owner of the vehicle has filed this application praying that the amount of Rs.25,000/- which was deposited by her at the time of filing of the appeal be refunded to her as the first appeal filed by her is allowed.

In paragraph 5 of the judgment, this Court has recorded as follows :

“5. In the result, the appeal is allowed. The direction issued by the Motor Accident Claims Tribunal to the owner of the vehicle to pay an amount of Rs.88,000/- and restricting the liability of the Insurance Company to Rs.2,00,000/- is set aside. The owner of the vehicle i.e. MH-27/H-9852 and the respondent No.3 Insurance Company are held

jointly and severally liable to pay a total amount of compensation of Rs.2,88,000/- as has been awarded by the Motor Accident Claims Tribunal. No order as to costs.”

This Court has held that the applicant and the non-applicant No.2-Insurance Company are jointly and severally liable to pay the amount of compensation to the claimant. In these facts the applicant cannot be permitted to withdraw the amount deposited by her and the amount alongwith interest has to be given to the claimants. The applicant will be at liberty to claim the above mentioned amount from the non-applicant No.2-Insurance Company, if so advised.

The office to send intimation of this order to the original claimants on their registered addresses.

JUDGE