

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

CIVIL APPLICATION (CAF) NO.2059 OF 2013
IN
FIRST APPEAL NO.386 OF 2013

The Oriental Insurance Co. Ltd.

-vs-

Sukhcnad s/o Bhupat Uikey & Anr.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Shri D. N. Kukday, Advocate for appellant.
Smt. J. J. Kataria, Advocate for respondent No.1.

CORAM : A.S.CHANDURKAR, J.

DATE : APRIL 21, 2015

Prayer is to permit the respondent No.1 to withdraw the amount of compensation deposited by the appellant.

It is submitted that the respondent No.1 was a labourer who was travelling in the trolley that turned turtle.

The application is opposed by the learned counsel for the appellant on the ground that the present is a case of breach of policy.

Considering the nature of evidence available on record, the respondent No.1 is permitted to withdraw an amount of Rs.1,00,000/-deposited by the appellant subject to filing undertaking that in case the appeal is allowed, the said amount shall be repaid with interest at such rate the Court may direct.

C.A. is disposed of.

JUDGE

Asmita