

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

FIRST APPEAL NOS. 1116/14, 1117/14 & 1118/14.

Branch Manager, National Insurance Co. Ltd. Nagpur .vs. Smt. Kalawati Gulab
Dhone & others/ Smt. Vithabai Yeshwant Dhone & others/ Smt. Sunita Ganesh
Kalmadi & others

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

Mr. C.A. Anthony, Advocate for appellants,
Mr. Y.B. Mandpe, Advocate for respondent no. 1.

CORAM : SMT. MRIDULA R. BHATKAR, J.

DATED : FEBRUARY 18, 2015.

This is a group of three appeals filed by National Insurance Company Limited challenging the judgment and award passed by the Chairman, M.A.C.T., Wardha on 8.5.2012 in three Motor Accident Claim Petitions.

The learned Counsel appearing for the respondents/ original claimants submits that he is appearing for respondent no.1 in First Appeal Nos. 1116/14, 1117/14 & he is appearing for all the original claimants/respondents in First Appeal No. 1118/14. He submits that the copies of the appeal memo are not given to him. The learned Counsel for the appellant Insurance Company undertakes to furnish the copies of appeal-

memo to the learned Counsel for the original claimants.

The learned Counsel submits that though the original owner/respondents in all the three appeals, who is one and the same person is not appearing before the Court, it is submitted on behalf of the appellants that the entire amount of the compensation is deposited along with interest accrued thereon by the Insurance Company in the High Court in all the appeals. He submits that in appeals Insurance Company challenges the judgment and award on the ground of breach of policy as the passengers were carried in the goods vehicle. He submits that the interim stay granted be confirmed.

In view of the submissions of the learned Counsel for the Insurance Company, the interim stay granted in the respective stay applications is hereby confirmed.

The Civil Application Nos. 649/13, 650/13 & 651/13 are disposed of.

The learned Counsel appearing for the original claimants/respondents in these appeals waive notice for original claimants/respondents.

Admit.

Call for R. & P.

Issue notice to the other respondents, i.e. owner of the vehicle.

The original claimants are at liberty to move an application for withdrawal of the amount.

Judge

J.