

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

FIRST APPEAL NO.1276 OF 2013

(I.C.I.C.I. Lombard General Insurance Company Limited, through Branch Manager ..vs.. Shri Raju s/o Shrikrishna Admane and another)

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

Court's or Judge's orders

Shri S.A. Dutonde, Advocate h/f. Shri R.D. Bhuibhar for the
appellant,
Shri S.R. Charpe, Advocate for the respondent No.1,
None appears for the respondent No.2.

CORAM : Z.A. HAQ, J.

DATED : 06-1-2015

Heard Shri S.A. Dutonde, the learned Advocate
holding for Shri R.D. Bhuibhar for the appellant and Shri
S.R. Charpe, the learned Advocate for the respondent No.
1.

None appears for the respondent No.2.

Admit.

Shri S.R. Charpe, the learned Advocate, waives
service of notice on behalf of the respondent No.1.

Civil Application (CAF) No.2645 of 2013.

Considering the nature of the defence raised by
the appellant and the facts on record, I am not satisfied
that the appellant has made out a case for grant of
interim order. Shri S.A. Dutonde, the learned Advocate
submits that the appellant has deposited extra amount
due to calculation mistakes. The Registrar (Judicial)

shall disburse the amount as per the Award to the respondent No.1 and the balance amount shall be repaid to the appellant. The amount shall be given to the respondent No.1 on his filing undertaking to the satisfaction of the Registrar (Judicial) of this Court that in case the appeal is allowed, the respondent No.1 shall repay the amount to the appellant or redeposit the amount with the Registry of this Court within three months of the order which may be passed.

The civil application is disposed in the above terms.

JUDGE

pma