

FARAD CONTINUATION SHEET NO.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

FIRST APPEAL NO.525 OF 2013

AND

CIVIL APPLN. (F) NO.8 OF 2011

The New India Assurance Co.Ltd., Branch at Chandrapur

-VS-

Sakhubai Wd/o Baburao Salve and others

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

Court's or Judge's Orders.

CORAM : Z. A. HAQ, J.

DATE : 27.01.2015.

Heard Shri Sahare, learned advocate holding for
Shri S. Sanyal, advocate for the appellant. None appears for
the respondents.

Admit.

The appellant shall file private paper book within
six months from today, failing which the appeal shall stand
dismissed without reference to the Court.

CIVIL APPLN. (F) NO.8 OF 2011

As per the impugned award, the appellant was
required to deposit the amount of compensation along with
interest at the rate of 4% per annum and the amount was
required to be deposited within 45 days from the date of the
award. The Tribunal directed that if the amount is not
deposited within 45 days from the date of the award, the
amount of compensation shall carry interest at the rate of
10% per annum.

The learned advocate for the appellant submits that the appellant has deposited the amount of compensation with interest calculated at the rate of 4% per annum. It is undisputed that the amount is deposited after 45 days of the passing of the award and, therefore, the appellant was liable to deposit the amount of compensation along with interest at the rate of 10% per annum. The appellant is directed to deposit the balance amount calculating the interest at the rate of 10% per annum as per the impugned award, till 15/04/2015.

The defence as raised by the appellant shows that it is disputing its liability to pay the amount of compensation along with interest, as the cheque issued by the owner of the vehicle was dishonoured and according to the appellant, it was informed to the owner of the vehicle. Considering the nature of the defence, the dispute is between the appellant, the owner and the driver of the vehicle regarding the liability of the appellant to pay the amount of compensation along with interest and it will be adjudicated in this appeal. There is no reason to deprive the claimants of the amount of compensation and interest.

The respondent Nos.1, 2, 4 and 5 and the respondent No.3 [against whom the appeal is abated for not complying with the order passed by the learned Registrar (Judicial)] are permitted to withdraw the amount deposited by the appellant and they will be entitled to withdraw the balance amount as would be deposited by the appellant as per this order.

If the balance amount is not deposited till 15/04/2015, the interim order granted by this Court shall

stand vacated.

The appellant shall, in addition, deposit costs of Rs.10,000/- for not complying with the impugned award and not depositing the amount in spite of the order passed by this Court. The amount shall be deposited and receipt should be produced on the record till 15/04/2015, failing which the appeal shall stand dismissed without reference to the Court.

Application is disposed of in the above terms.

JUDGE

KHUNTE