

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

CIVIL APPLICATION (CAF) NO. 2880 OF 2015

IN

FIRST APPEAL NO. 270 OF 2015

(United India Insurance Co. Ltd. Vs. Smt. Kumud Suryabhan Pohekar & others)

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

Court's or Judge's orders

Shri D. N. Kukday, Advocate for the appellant.

Shri P.R. Agrawal, Advocate for respondent Nos. 1 to 4.

CORAM : B. R. GAVAI AND

P. N. DESHMUKH, JJ.

DATED : 18 DECEMBER, 2015

This is an application for withdrawal of amount deposited by the appellant in this Court in pursuance of the award passed by the learned Chairman, Motor Accident Claims Tribunal, Amravati.

Shri Kukday, learned Counsel for the appellant vehemently opposed the application. He submits that the policy, which was in favour of the State Bank of India, the employer of the deceased, only covers third party risk. He submits that it is in dispute that as to whether the deceased was driving the vehicle or he was a pillion rider. He submits that if the deceased was pillion rider, the claim of compensation would be tenable subject to other objections. He further submits that if the deceased himself was driving the vehicle, the policy would not cover the risk.

Taking into consideration the rival contentions, we find that it will be in the interest of justice to allow the applicant to withdraw 50% of the amount deposited in this Court on his furnishing solvent surety in the like amount to the satisfaction of the Registrar (Judicial) of this Court. The balance amount is directed to be deposited in the fixed deposits in any nationalized Bank.

Civil Application is disposed of accordingly.

JUDGE

JUDGE