

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

(1)

CA NO.7910/2016

**937 CIVIL APPLICATION NO. 7910 OF 2016
IN FA/5/2005**

THE NEW INDIA ASSURANCE CO. LTD.
VERSUS
KHAMRUNNISA BEGUM ABDUL HAFIZ AND ORS

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Advocate for Applicant : Mr.Deshpande Dhananjay P.

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CORAM : P.R. BORA, J.
Dated: July 22, 2016

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PER COURT :-

1. Present application is filed seeking refund of the amount deposited by the appellant Insurance Company while filing First Appeal No.5/2005 before this Court. Learned Counsel appearing for the applicant submitted that while preferring the aforesaid appeal, as required under the law, a sum of Rs.25,000/- was deposited by the appellant Insurance Company as a statutory requirement. Learned Counsel submitted that the aforesaid First Appeal has been finally disposed of by this Court by judgment and order passed on 30.11.2015. Learned Counsel further submitted that in the appeal this Court has modified the award passed by the Motor Accident Claims Tribunal in M.A.C.P.No.195/2000 and held the Insurance Company liable only to the extent of Rs.6,000/- (Rs. six thousand).

2. In view of the above, learned Counsel has

AGP/-

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prayed for refund of the remaining amount deposited by the Insurance Company. Learned Counsel for the claimants, though has been served with copy of the present application, has not appeared in the matter. However, from the facts, there seems no difficulty in allowing the application filed by the applicant Insurance Company. Hence, the following order:

ORDER

1. The Registry is directed to refund the amount, after deducting an amount of Rs.6,000/- (Rs. six thousand), calculating the interest accrued thereon in view of the award passed by the Motor Accident Claims Tribunal, to the present applicant.

Civil Application stands disposed of.

(P.R. BORA, J.)

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