

Rane

* 1/4 *

FA-1273-2012
(sr.no.9)
Monday,2.5.2016

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

FIRST APPEAL NO. 1273 OF 2012

United India Insurance
Company Limited, Motor
Third Party Claims Hub

.....Appellant

V/s.

Smt. Sulata Soumitra Sarakar
and Ors.

.....Respondents

* * * * *

Mr. Mehta i/by. K.M.C. Legal Venture, Advocate for the appellant.

Mr. S.M. Railkar, Advocate for respondents no.1 to 3.

Coram :- Smt. R.P. SondurBaldota, J.

2nd May, 2016.

P.C. :-

1). Admit. Mr. Railkar, learned Advocate appearing for respondents no.1 to 3 waives service of notice of final hearing on behalf of respondents no.1 to 3.

(SMT. R.P. SONDURBALDOTA, J)

Rane

* 2/4 *

FA-1273-2012
(sr.no.9)
Monday,2.5.2016

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO. 2600 OF 2012
IN
FIRST APPEAL NO. 1273 OF 2012

United India Insurance
Company Limited, Motor
Third Party Claims Hub

....(Orig. Opp.no.3)
Appellant

V/s.
Smt. Sulata Soumitra Sarakar
and Ors.

.....Respondents

* * * * *

Mr. Mehta i/by. K.M.C. Legal Venture, Advocate for the appellant.

Mr. S.M. Railkar, Advocate for respondents no.1 to 3.

Coram :- Smt. R.P. SondurBaldota, J.

2nd May, 2016.

P.C. :-

1). The appellant has deposited the entire decretal amount in the Tribunal. In view thereof, the Civil Application is allowed in terms of prayer clause (a).

(SMT. R.P. SONDURBALDOTA, J)

Rane

* 3/4 *

FA-1273-2012
(sr.no.9)
Monday,2.5.2016

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 941 OF 2016

IN

FIRST APPEAL NO. 1273 OF 2012

Smt. Sulata Soumitra Sarkar
and Ors.

.....Appellants

V/s.

United India Insurance
Company Limited & Ors.

.....Respondents

* * * * *

Mr. S.M. Railkar, Advocate for appellants no.1 to 3.

Mr. Mehta i/by. K.M.C. Legal Venture, Advocate for the respondents.

Coram :- Smt. R.P. SondurBaldota, J.

2nd May, 2016.

P.C. :-

1). This Civil Application is taken out by the original claimant for withdrawal of the amount of compensation deposited by the Insurance Company in the Court. The application is opposed on the ground that the Insurance Company has *in fact* established by evidence that it is not liable to pay compensation to the claimants in view of breach of the

Insurance policy.

2). The claimants state in the application that, the amount is required for the purpose of higher education to be undertaken by applicants no.2 and 3. Considering the reason set out in the application, in my opinion, 50% of the amount deposited by the Insurance Company can be permitted to be withdrawn by the applicants on the applicants filing an Undertaking in writing in this Court, that they shall bring back the amount, in the event, the Insurance Company succeeds in the First Appeal. The Undertaking to be filed within a period of one week from today.

. Parties to act on authenticated copy of the order.

(SMT. R.P. SONDURBALDOTA, J)