

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 1228 OF 2014

IN

FIRST APPEAL NO. 137 of 2011

Vanita Bhaskar Parab & Ors. ...Applicants

In the matter between

M/s. IFFCO TOKIO General Insurance CO. ...Appellant
Ltd.

Versus

Vanita Bhaskar Parab & Ors. ...Respondents

Mr. A.P. Mhatre, for the Applicant.

None for the Appellant/Insurance Company.

Mr. Amogh Karandikar, i/b Khandeparkar & Asso., for the Respondent
No. 5.

CORAM : R.M. SAVANT, J.

DATE : 12th August 2016

P.C. :

1. None appears for the Insurance Company, though
served.

2. The above Civil Application has been filed for
withdrawal of the amount deposited by the Appellant i.e. Insurance
Company in this Court.

3. The First Appeal filed by the Insurance Company has been dismissed by a learned Single Judge of this Court by order dated 7th July 2011. The First Appeal filed on behalf of the Respondent No. 5 being First Appeal No. 1897 of 2010 has also been dismissed on 15th February 2011 by another learned Single Judge of this Court (Justice D.G. Karnik as His Lordship then was). Hence, the challenge to the judgment and Award passed by the MACT, Oras, Sindhudurg has come to an end as long back as in the year 2011. However, the amount deposited by the Insurance Company continues to lie in deposit in this Court. Since the amount lies in deposit in this Court, the Application made by the Applicant before the MACT, Oras, Sindhudurg was not entertained and the Applicant was directed to approach this Court. Since the challenge by the Insurance Company as well as the owner of the vehicle has failed, there is now no warrant to keep the amount in deposit in this Court. The Civil Application is accordingly, allowed in terms of prayer clause (a). The Applicant is entitled to withdraw the amount of Rs. 6,67,973/-with accrued interest, if any. The Civil Application is accordingly disposed of.

[R.M. SAVANT, J.]