

Rane

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(sr. no.7)
Wednesday, 27/4/2016

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
FIRST APPEAL NO. 246 OF 2015

The New India Assurance Company Ltd.

....Appellants
(Orig. Insurer)

v/s.

Mr. Kamlesh Kumar Jaymurti
Vishwakarma & Ors.

...Respondents
(Orig. Applicants
& Opp. Party)

* * * * *

Mr. D.R. Mahadik, Advocate for the appellant.
Mr. V.M. Parkar, for the respondents.

ALONGWITH
FIRST APPEAL NO. 169 OF 2014

Mohammed Ali Abdul Samad
Khan & Ors.

.....Appellants
(Orig. Applicants)

V/s.

Dawood Mohd. Khati & Ors.

....Respondents
(Orig. Opponents)

Mr. V.M. Parkar, Advocate for the appellants.
Mr. D.R. Mahadik, Advocate for respondent no.2.

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

27th April, 2016.

P.C. :-

1). Admit. At the request of Mr. Parkar, learned Advocate appearing for the applicant, hearing of the appeals is expedited.

(SMT. R.P. SONDURBALDOTA, J)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 842 OF 2015

IN

FIRST APPEAL NO. 246 OF 2015

New India Assurance Company Ltd.

.....Applicant

V/s.

Mr. Kamlesh Kumar Jaymurti

Vishwakarma and Ors.

.....Respondents

* * * * *

Mr. D.R. Mahadik, Advocate for the applicant.

Mr. V.M. Parkar, Advocate for respondents no.1 and 2.

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

27th April, 2016.

P.C. :-

1). Mr. Mahadik, the learned Advocate appearing for the applicant states that, the applicant has deposited the entire amount of compensation in the Tribunal. In view of the deposit, the Civil Application is allowed in terms of prayer clause (a).

(SMT. R.P. SONDURBALDOTA, J)

Rane

* 3/4 *

(sr. no.7)
Wednesday, 27/4/2016

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 1007 OF 2016

IN

FIRST APPEAL NO. 246 OF 2015

1). Mr. Kamleshkumar Jaymurti Vishwakarma
& anr.

....Applicants
(Orig. Resps no.1 & 2)

IN THE MATTER BETWEEN :-

The New India Assurance Co. Ltd

.....Appellant
(Original Insurer)

V/S.

1. Mr. Kamleshkumar Jaymurti
Vishwakarma
2. Mrs. Shiladevi Kamlesh Kumar
Vishwakarma
3. Mr. Dawood Mohamad Kathi

.....Respondents no.1 & 2
.....Respondent no.3.

* * * * *

Mr. V.M. Parkar, Advocate for the applicants.

Mr. D.R. Mahadik, Advocate for the appellant, Insurance Company.

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

27th April, 2016.

P.C. :-

1). This Civil Application is for withdrawal by the original claimants of

the amount of compensation deposited by the appellant. Mr. Mahadik, the learned Advocate appearing for the appellant, submits that, the insurance policy in respect of the offending vehicle covered only one of the persons and there is another appeal being First Appeal No. 169 of 2014 filed by another person claiming to be compensated in the same incident of accident. In that circumstance, the claimants cannot be permitted to withdraw any amount. The respondents are the parents of the deceased. Considering their age of 44 and 43 years respectively, they cannot be said to be wholly dependent upon the payment of compensation for their subsistence. Hence, the Civil Application is dismissed.

(SMT. R.P. SONDURBALDOTA, J)