

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

Civil Application No.351 of 2015

In

First Appeal No.796 of 2009

(Shri Rajendra s/o Madhukar Wagh v. Shri Sudhakar s/o Nathuji Bochar
and others)

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

Court's or Judge's orders

Shri C.V. Kale, Advocate for Applicant.
Ms Pathade, Advocate for Respondent Nos.1 and 2.
Shri A.W. Paunikar, Advocate for Respondent No.3.

Coram : R.K. Deshpande, J.

Date : 5th January, 2016

This application has been moved by the appellant, who is the owner of the vehicle, for stay of Regular Darkhast No.478 of 2007 instituted by the respondent No.3-The National Insurance Co. Ltd. The Motor Accident Claims Tribunal has though discharged the Insurance Company from its liability, it has passed an order of “pay and recover”. The Insurance Company deposited the amount which has been withdrawn by the claimants. Now the Insurance Company has instituted the execution proceedings to recover the said amount from the owner of the vehicle, who is the appellant. In such a situation, it is not possible to stay the recovery proceedings. Needless to say that if the appellant succeeds, the respondent No.3 shall have to

repay the said amount to the appellant along with interest at the rate of 6% per annum from the date of recovery of the amount from the appellant till the date of repayment.

The civil application is disposed of.

Judge.

Lanjewar