

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

CIVIL APPLICATION (F) NO.967 OF 2016

IN

FIRST APPEAL NO.493 OF 2015

H.D.F.C. ERGO, GENERAL INSURANCE COMPANY

VS

GIRIDHARI DASARATH UIKEY AND OTHERS

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

Court's or Judge's orders

Shri A. J. Pophaly, Advocate for the appellant.
Shri A. Z. Jibhkate, Advocate for respondent No.1.

CORAM : A.S. CHANDURKAR, J.

DATED : APRIL 01, 2016.

Prayer is to permit the claimant to withdraw the amount of compensation deposited by the appellant. It is submitted that in the accident, the claimant has suffered 85% disability due to which he is not in a position to cultivate his agricultural land. In the application it is stated that notices have been issued to the claimant to repay the loan amounts borrowed by him.

The application is opposed by the learned Counsel for the appellant on the ground that the claimant had also contributed to the accident.

Perused the judgment of the Reference Court. In the facts of the case, the claimant is permitted to withdraw the amount of Rs.2,00,000/- subject to furnishing undertaking that in case the appeal is allowed, said amount shall be repaid with interest at such rate the Court may direct. The balance amount be invested in fixed deposit.

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Time of two weeks is granted to take necessary steps to serve the unserved respondent.

JUDGE

/MULEY/