

Shephali

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
FIRST APPEAL (ST) NO. 3615 OF 2014
WITH
CIVIL APPLICATION NO. 742 OF 2014
AND
CIVIL APPLICATION NO. 743 OF 2014

National Insurance Co Ltd	...Applicant
<i>Versus</i>	
Vinod Vishwakarma & Anr	...Respondents

Mr R Mehta, i/b KMC Legal Venture, for the Applicant.
Mr AM Gokhale, for the Respondents.

CORAM: G.S. PATEL, J
DATED: 18th July 2017

PC:-

1. The only modification, in my view, that is required to this decree is to direct the insurer Appellant to pay and then to recover the amount from the insured. The Award is in the amount of Rs.1,17,000/- including the No Fault Liability amount and carries interest at the rate of 7.5% per annum from the date of the application.

2. It is not necessary to discuss the merits of the Appeal in any great detail because of what is stated in paragraph 7 of the impugned judgment and which is entirely uncontroverted and incontrovertible. This is a case of driving under the influence of alcohol. There is no question that the owner of the vehicle is liable. The only modification, as I said, is to permit the insurer to pay and then to recover the amount awarded. The decree is modified accordingly.
3. The entire amount with accrued interest has been deposited. The claimants will be at liberty to withdraw entire amount without furnishing any security or undertaking.
4. The amount of statutory deposit is also to be transferred to the MACT, Mumbai and will also be invested in a fixed deposit with any nationalized bank. The MACT, Mumbai will permit this withdrawal on production of an authenticated copy of this order.
5. The First Appeal is disposed of in these terms. There will be no order as to costs.
6. The Civil Application does not survive and is disposed of as infructuous.

(G. S. PATEL, J)