

Atul

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
FIRST APPEAL ST NO. 3647 OF 2014
WITH
CIVIL APPLICATION NO. 744 OF 2014
AND
CIVIL APPLICATION NO. 745 OF 2014

National Insurance Co Ltd	...Appellant
<i>Versus</i>	
Girijadevi Premshankar Mishra & Ors	...Respondents

Mr R Mehta, i/b KMC Legal Venture, for the Appellant.
Mr TJ Mendon, for the Respondents.

CORAM: G.S. PATEL, J
DATED: 19th 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.7,00,000/- 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 4 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 has been deposited with the MACT. The statutory deposit of Rs. 25,000/- with accrued interest will be transferred to the MACT Nashik. The full amount of the award deposited and the statutory deposit amount with all accrued interest will be allowed to be withdrawn by the claimant. The MACT will permit withdrawal on production of an authenticated copy of this order.
4. The First Appeal is disposed of in these terms. There will be no order as to costs.
5. The Civil Application does not survive and is disposed of as infructuous.

(G. S. PATEL, J)