

Shephali

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
FIRST APPEAL ST NO. 21870 OF 2012
WITH
CIVIL APPLICATION NO. 2936 OF 2012
AND
CIVIL APPLICATION NO. 2937 OF 2012

National Insurance Co Ltd	...Appellant
<i>Versus</i>	
Deepak Raj Agarwala & Anr	...Respondents

Mr R Mehta, i/b KMC Legal Venture, for the Appellant.
Mr Baliram V Kamble, for Respondent No. 1.

CORAM: G.S. PATEL, J
DATED: 2nd August 2017

PC:-

1. This is a third appeal that arises out of an award made in respect of one accident. It occurred on 23rd January 1999 on the Mumbai-Nashik road. The other two appeals, First Appeal No. 1444 of 2012 and First Appeal St No. 21863 of 2012 were both disposed of by, respectively, a Division Bench of this Court and by a Single Judge. The Division Bench modified the award and reduced the amount awarded. The learned Single Judge hearing the First Appeal St No. 21863 of 2012, dismissed that appeal.

2. The present claim is also in a small amount of Rs. 1 lakh and the principal challenge is an assertion of contributory negligence. The same reasoning as in the order of 1st August 2014 in First Appeal St No. 21863 of 2012 will also apply in this case.

3. For the reasons stated in the order dated 1st August 2014 in FA St No 21863 of 2012, , this appeal is also dismissed with no order as to costs.

4. The statutory deposit of Rs. 25,000/- with all accrued interest is to be transferred to the MACT within two weeks from today.

5. The civil applications do not survive and are disposed of as infructuous.

(G. S. PATEL, J)