

Shephali

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
FIRST APPEAL NO. 379 OF 2017
WITH
CIVIL APPLICATION NO. 1319 OF 2017
WITH
CIVIL APPLICATION NO. 5013 OF 2011
WITH
CIVIL APPLICATION NO. 1320 OF 2017

National Insurance Co Ltd	...Appellants
<i>Versus</i>	
Bilal Ahamad Obedur Rehman Ansari & Anr	...Respondents

Mr R Mehta, i/b KMC Legal Venture for the Appellants.
Mr SR Gupta, for the Respondents/Applicant in CAF/1319/17.

CORAM: G.S. PATEL, J
DATED: 6th June 2017

PC:-

1. The MACT awarded a total amount of Rs.1,91,125/-. The entire amount has been deposited with interest, totally amounting to a little over Rs.2,18,140/-.

2. The only ground of substance in the Appeal is that the driver of the insured vehicle was using a fake driving license.

3. By consent, the Appeal is admitted and taken up for hearing and final disposal.

4. The order under Appeal is affirmed, with a modification to the operative part permitting the Appellant to take suitable proceedings for recovery of the entire amount awarded and interest including in the execution proceedings against the insured before the MACT itself. In the meantime, the original Claimant is permitted to withdraw the entire amount deposited with all accrued interest without security.

5. It is now stated that Respondent No. 1 has expired. He is survived by his parents and two minor sons. Civil Application No. 1319 of 2017 is filed seeking amendment to implead the heirs of Respondent No.1.

6. The Civil Application is made absolute in terms of prayer clause (b).

7. On behalf of the heirs of the original Claimant, viz., Applicants Nos. 1 to 4, Applicant No. 1 in the Civil Application will be permitted to make the necessary withdrawals from the Tribunal. The amount of Rs.25,000/- deposited in this Court at the time of filing of the Appeal will be transferred to the MACT. The newly added 1st Respondent (Applicant No. 1 in the Civil Application No. 1319 of 2017) on behalf of all the Applicants will be permitted to withdraw this amount also with all accrued interest, if any.

8. The First Appeal and the Civil Application No. 1319 of 2017 are disposed of in these terms with no order as to costs. All other pending Applications for stay and withdrawals are also disposed of accordingly.

(G. S. PATEL, J.)