

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

FIRST APPEAL NO.435 OF 2016

(The Oriental Insurance Co. Ltd. Chandrapur thr. its Regional Manager, Nagpur Vs.
Smt. Vandana wd/o Ashok Kawale 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.R. Joshi, Advocate for Appellant.
Shri H.N. Potbhare, Advocate for Respondent Nos.1 to 3.

CORAM: DR. (SMT.) SHALINI PHANSALKAR-JOSHI, J.

DATE: 10th JULY, 2017.

Civil Application (F) No.2032/2017:

This is an application for withdrawal of the amount of compensation deposited in the Court by the appellant. The application is preferred by the original claimant. It is submitted that respondent No.1 is suffering from cancer and she requires the amount for medical expenses.

Learned counsel for appellant however, submits that the defence as taken by the Insurance Company is that of the Driver of the offending truck was not having licence at all.

However, the perusal of the judgment of the Tribunal reveals that Tribunal not accepted this defence.

In view thereof, at this stage respondents are permitted to withdraw, only 50% of the amount of compensation deposited in the Court, subject to furnishing

of usual undertaking and also solvent/security surety to the satisfaction of the Registrar (Judicial) of this Court.

Civil Application (F) No.2236/2017:

As respondent No.4 is already deleted by the Tribunal as dead, this application for deletion of his name is allowed.

Civil Application (F) No.2237/2017:

This is an application for setting aside the order of dismissal of the appeal against respondent No.5.

For the reasons stated in para 3 of the application as sufficient cause is made out, the appeal is restored against respondent No.5 by setting aside the order of dismissal for default dated 31.01.2017.

JUDGE