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

CIVIL APPLICATION NO.3162 OF 2016 IN FIRST APPEAL NO.834 OF 2017
(Shriram General Insurance Company Ltd. vs. Smt. Vandana wd/o Vilas Solanke and others)

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's orders

Shri H.N. Verma, Advocate for applicant/appellant.
Shri S.P. Pawar, Advocate for respondent nos.1 to 5.

CORAM : P.N. DESHMUKH, J.

DATED : NOVEMBER 21, 2017

This application is filed by appellant for grant of stay to impugned judgment and award dated 19/10/2015 passed by learned Member, Motor Accident Claims Tribunal, Buldana in M.A.C.P. No.290/2011.

Shri Verma, learned Counsel for appellant, makes a statement that entire decretal amount as per award has been deposited with the Registry of this Court.

Office note shows that amount of Rs.6,96,750/- is lastly deposited with the Registry of this Court, thus making total amount to the extent of Rs.24,91,750/-. Record further reveals that by order dated 3/10/2016 appellant was directed to deposit amount as per award and on making deposit thereof, ad interim stay was granted. Since the amount is deposited, interim stay stands confirmed pending appeal. The civil application is disposed of as allowed.

CIVIL APPLICATION NO.2165 OF 2017

Heard learned Counsel for the parties.

This application is filed by respondent nos.1 to 5 for permission to withdraw 75% of amount of compensation deposited by appellant with the Registry of this Court contending that after accidental death of deceased, who was the only earning member of family, they are suffering hardship. It is, therefore, prayed that applicants may be permitted to withdraw 75% of amount deposited by appellant.

Shri Verma, learned Counsel for appellant, has submitted that appellant is mainly challenging the quantum of compensation granted to claimants and demonstrated from the impugned judgment as to how the learned Tribunal without having sufficient proof of income has held monthly income of deceased to the extent of Rs.12000/- and awarded the amount of compensation accordingly.

Prima facie submissions advanced by learned Counsel for appellant are found substantiated from para 16 of the impugned judgment. Office note shows that total amount of Rs.24,91,750/- has been deposited by appellant as per award. Since applicants/respondent nos.1 to 5 have not put forth sufficient reason to withdraw 75% of amount at this stage, they are allowed to withdraw 25% of the amount of Rs.24,91,750/-. Applicants/respondent nos.1 to 5 shall have liberty to file a fresh application by making out case for withdrawal of further 25% amount from the balance

amount.

Registrar (Judicial) to release 25% of amount as mentioned above in favour of applicants/ respondent nos.1 to 5 on obtaining usual undertaking. In the meantime, balance amount shall be deposited in a fixed deposit with any nationalised Bank initially for a period of 36 months. The civil application is disposed of accordingly.

By consent of learned Counsel for the parties, matter be shown in the caption of “final disposal”.

JUDGE

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