

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

FIRST APPEAL NO.04 OF 2016

(HDFC ERGO General Insurance Co. Ltd., thr. its Claims Manager, Mumbai Vs.
Devendra s/o Marotrao Yenurkar 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.J. Pophaly, Advocate for Appellant.
Shri P.R. Agrawal, Advocate for Respondent No.1.

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

DATE: 10th JULY, 2017.

Civil Application (F) No.2804/2017:

This is an application filed by the claimant for withdrawal of the amount of compensation deposited in this Court.

It is submitted by learned counsel for the appellant respondent that in the connected matter there is First Appeal No.05/2006, the application for withdrawal of the 75% of the amount was allowed by this Court by order dated 05.05.2017.

Learned counsel for the appellant-Insurance Company submits that in this case, there was no insurance policy of the concerned vehicle; whatever policy was produced on record, was fake one, and therefore, this Court should not permit the withdrawal of the amount.

However, as already this Court has vide order dated 05.05.2017 allowed the withdrawal of 75% of the

amount in connected matter, even though similar contention was raised in that matter also, on the ground of parity, respondent also becomes entitled to withdraw 75% of the amount of compensation subject to furnishing of usual undertaking. Respondent is permitted to withdraw 75% of the amount of compensation deposited in the Court upon furnishing usual undertaking to the satisfaction of the Registrar (Judicial) of this Court.

Thus, application is partly allowed and disposed of.

JUDGE