

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

FA NO.1059/2017

Cholamandalam MS General Insurance Co.Ltd., thr. Divisional Manager,
Division Office, Nagpur

..VS..

Chandrakant Sambhajirao Dhakane and ors

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

Court's or Judge's Order

Shri A.J. Pophaly, Counsel for the appellant.
Shri R.N. Ghuge, Counsel for respondent No.1.

CORAM : V.M. DESHPANDE, J.
DATED : OCTOBER 8, 2018.

CAO No.958/2017

1. This is an application moved by the appellant insurance company for deleting name of respondent No.3 from the array of cause title.
2. Heard learned counsel Shri A.J. Pophaly for the appellant.
3. For the reasons stated in the application, the application is allowed. Name of respondent No.3 be deleted from the cause title, at the risk of the appellant. Learned counsel for the appellant to carry out the amendment within a period of 14 days from today. The civil application stands disposed of accordingly.

FA NO.1059/2017

1. Heard.
2. ADMIT.
3. The record and proceedings be called for.
4. Learned counsel Shri R.N. Ghuge waives service for respondent No.1. Notice for respondent No.3 need not be sent in view of deletion of his name from the cause title.

CAF No.2197/2018

1. This is an application for withdrawal of the amount. The application is moved by respondent No.1.
2. I have heard learned counsel Shri R.N. Ghuge for respondent No.1 and learned counsel Shri A.J. Pophaly for the appellant insurance company.
3. The appellant insurance company filed the present appeal challenging judgment and award dated 25.8.2015 passed by learned Member, Motor Accident Claims Tribunal, Akola in MACP No.3/2012, by which learned Member of the MACT partly allowed the claim petition filed on behalf of respondent No.1 and directed the respondents in the claim petition along with the appellant herein to deposit Rs.26,85,000/- along with interest accrued thereon.
4. On 13.6.2016, this Court (Coram : Prasanna B. Varale, J.) granted *ad interim* Stay in favour of the appellant

subject to the appellant depositing entire decretal amount of compensation before this Court within a period of 8 weeks from the said date. In pursuance to the said, the appellant has deposited Rs.34,56,349/- before this Court.

5. Respondent No.1 has moved the present application to withdraw the said amount. The claim filed by respondent No.1 was injury claim. The appellant is mainly contesting the appeal on the ground of quantum of compensation.

6. After hearing learned counsel Shri R.N. Ghuge for respondent No.1 and learned counsel Shri A.J. Pophaly for the appellant, this Court passes following order:

ORDER

- (i) The civil application stands partly allowed.
- (ii) Respondent No.1 is permitted to withdraw Rs.10.00 lacs of the amount so deposited by the appellant. The remaining amount shall be invested by the Registrar (J.) in any Nationalized Bank initially for a period of two years and shall continue the said exercise as and when occasions arises.
- (iii) With this, the civil application is disposed of.

CAF No.1877/2016

- 1. This is an application for grant of Stay.
- 2. On 13.6.2016, this Court (Coram : Prasanna B. Varale, J.) granted *ad interim* Stay in favour of the appellant

subject to the appellant depositing entire decretal amount of compensation before this Court within a period of 8 weeks from the said date. In pursuance to the said, the appellant has deposited Rs.34,56,349/- before this Court.

3. Today itself, this Court allowed CAF No.2197/2018 filed by respondent No.1 for withdrawal of the amount in part.

4. Hence, for the reasons stated in the application, the application is allowed and disposed. There shall be Stay to the execution of the impugned judgment and award insofar as remaining amount is concerned.

JUDGE

!! BRW !!

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