

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

C.A.F. NO.2719/2018

IN

FIRST APPEAL NO.89/2009

New India Assurance Company Limited, Akola

..Vs..

Smt. Savita Wd/o Gajanan Pofale 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 M.B. Joshi, Advocate for the appellant.

Shri S.P. Bhawe, Advocate h/f U.N. Vyas, Advocate for respondent No.1.

CORAM : Z.A. HAQ, J.

DATE : 12.9.2018.

First appeal filed by the insurance company is dismissed by judgment given on 7th July, 2017. By this application, the claimants have prayed that the amount deposited by the appellant / insurance company and kept in deposit by Registry of this Court be given to the claimants.

The office note shows that the insurance company had deposited an amount of Rs.2,88,468/-, out of which Rs.1,50,000/- has been withdrawn by the respondent No.1 and respondent Nos.5 and 6 (widow and parents of deceased).

The respondent No.2 - Ku. Nikita D/o Gajanan Pofale, respondent No.3 - Ku. Anju D/o Gajanan Pofale and respondent No.4 - Ku. Punam D/o Gajanan Pofale are minor children of deceased.

Considering the facts of the case, the Registry is directed to transmit the amount lying in deposit with

the Registry of this Court alongwith interest on it, if any, to the Motor Accident Claims Tribunal, Akola. The Tribunal shall keep the amount in nationalized bank investing it in fixed deposit which would secure maximum interest.

The Tribunal shall send copy of this order to the claimants.

The claimants are at liberty to seek withdrawal of interest which would accrue on the invested amount, if so advised. The amount be disbursed to the claimants / respondent No.2 - Ku. Nikita D/o Gajanan Pofale, respondent No.3 - Ku. Anju D/o Gajanan Pofale and respondent No.4 - Ku. Punam D/o Gajanan Pofale after they become major. The civil application is **disposed** in the above terms. No costs.

JUDGE

Tambaskar.