

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

FIRST APPEAL NO. 127 OF 2002

(RAMNIVAS KISANLAL TIWARI THR. LRS....VS.. BHAAURAO BHANUDAS SURESE & OTH.)

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

Court's or Judge's orders

Shri Asghar Hussain, Advocate for Appellants.
Shri P.S.Girdekar, Advocate for Respondent No.1.
Shri S.N.Dhanagare, Advocate for Respondent No.2.

CORAM : Z.A.HAQ, J.

DATED : SEPTEMBER 18, 2018.

By the judgment given on 23rd April 2018, this Court directed that the amount of Rs.16,500/- deposited by the appellant with the Registry of this Court, along with interest on it, be given to the claimant. This Court further directed that the appellant and respondent Nos. 2 and 3 will be jointly and severally liable to pay interest @ 12% per annum.

2. The office has listed this matter with a note that in 2002, when the amount of Rs.16,500/- was deposited, there was no practice of depositing the amount in fixed deposit unless there was a specific order of the Court. It appears that the amount of Rs.16,500/- was not invested in fixed deposit.

3. In the judgment, it is observed that the appellant (owner of the vehicle) and the respondent No.2-Insurance Company had been negligent in pursuing the matter. Again it is because of the lapse on the part of the appellant and the respondent No.2-Insurance Company to solicit order of

investment of the amount in fixed deposit, there is loss of interest. The claimant need not be put to this loss and the Insurance Company will have to make good the loss.

4. The learned advocate for the respondent No.1-claimant submits that in addition to Rs.16,500/- deposited by the appellant, the claimant will be entitled for about Rs.25,000/- towards interest.

5. The respondent No.2-Insurance Company shall deposit Rs.25,000/- with the Registry of this Court within two months.

On deposit of this amount, it be given to the respondent No.1-claimant. It is clarified that the amount of Rs.16,500/-, deposited with the Registry of this Court, should also be given to the respondent No.1-claimant.

JUDGE

RRaut..