

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

CIVIL APPLICATION NO.2681/2018 IN FIRST APPEAL NO.1287/2009 (d)

The General Manager, Pune Municipal Transport, Swarget, Pune .vs. Smt. Nalini
wd/o Madhukarrao Nikole and Ors.

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

Court's or Judge's orders.

Mr. Patait, Advocate for respondent nos. 1 to 3-applicants.
Mrs A. Mategaonkar, Advocate for respondent no.5.

CORAM : V.M. DESHPANDE, J.

DATED : OCTOBER 9, 2018

This is an application for withdrawal of the amount deposited before the Motor Accident Claims Tribunal, Nagpur.

Heard Mr. Patait, learned counsel for the original claimants-respondent nos. 1 to 3, who has moved the present application and Mrs. Mategaonkar, learned counsel for non applicant no.5-Insurance Company.

General Manager, Pune Municipal Transport, Swarget has filed First Appeal No.1287/2009, however, the said appeal is dismissed for non removal of office objections. As on today, no steps are taken by the appellant for restoration of the said.

Original claimants, therefore, filed the present application and submitted that the amount deposited by the appellant before the Motor Accident Claims Tribunal, Nagpur be permitted to be withdrawn.

The matter was listed before this Court on 14.09.2018 and this Court (Coram: Z. A. Haq, J.), passed the following order.

“None appears for the appellant though copy of civil application is served on the advocate for the appellant. It appears that the appellant is not opposing the prayer made in the civil application.

List the civil application for further consideration on 9th October, 2018.

If the appellant fails to give any justification for not permitting the claimants to withdraw the amount deposited by the appellnat with the Registry of this Court, the orders regarding disbursement of the amount would be passed on the next date.

The advocate for respondent Nos. 1 to 3 to send copy of this order to the appellant by Registered Post with acknowledgment due and file affidavit of compliance within one week.”

Pursuant to the order passed by this Court, Mr.Patait, learned counsel for respondent nos. 1 to 3 has filed an affidavit in compliance of the order dated 14.09.2018.

Today, when this matter is called, nobody is appearing for appellant-General Manager, Pune Municipal Transport, Swarget, Pune.

In view of the order passed on 14.09.2018, the present application is allowed. Respondent nos. 1 to 3-original claimants are permitted to withdraw the amount deposited by the appellant before the Motor Accident Claims Tribunal, Nagpur along with interest accrued thereon.

With this, the application is disposed of.

JUDGE

kahale