

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

CIVIL APPLICATION NO.2543/2018 IN FIRST APPEAL NO.427/2010

IFFCO-TOKIO General Insurance Co. ..vs.. Shaikh Mohsin s/o Shaikh
Rashid 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. S. Jaiswal, Advocate for appellant-non applicant.

Mr. Ram Kadu, Advocate for respondent no.1-applicant.

CORAM : V.M. DESHPANDE, J.

DATED : AUGUST 21, 2018

1. This is an application for permission to withdraw the amount. Heard Mr. Kadu, learned counsel for respondent no.1-applicant and Mr. Jaiswal, learned counsel for appellant-insurance company.

2. The Motor Accident Claims Tribunal, Akola in Claim Petition No.127/2007 granted compensation to the tune of Rs.50,000/- along with interest at the rate of 9% p.a. in favour of respondent no.1-Shaikh Mohsin s/o Shaikh Rashid.

3. Being dissatisfied, the insurance company filed appeal before this Court bearing First Appeal No.427/2010. The appeal was admitted. However, for non filing of the paper book, the appeal is dismissed by this Court on 02.09.2014. In the meanwhile, as per the directions given by this Court, the amount of Rs.50,000/- already deposited by the insurance company before this Court and for withdrawal of the said amount, the present application is filed.

4. Since, the appeal filed by the insurance company is dismissed, looking to the claim of compensation granted in favour of respondent no.1, the application is allowed. Respondent no.1-Shaikh Mohsin s/o Shaikh Rashid is entitled to withdraw the amount of compensation along with interest accrued thereon.

Accordingly, the application is disposed of.

JUDGE

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