

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

CIVIL APPLICATION (F) NO.2876/2018 IN FIRST APPEAL NO.1060/2017
Shriram General Insurance Co.Ltd. .vs. Sudhakar s/o Chinduji Nehare 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. H. N. Verma, Advocate for applicant.

CORAM : V.M. DESHPANDE, J.
DATED : OCTOBER 9, 2018

This is an application filed by Shriram General Insurance Company Limited for withdrawal of the statutory amount and the Court Fees.

The Insurance Company challenged the said judgment and award passed by learned Chairman Motor Accident Claims Tribunal, Wardha in Motor Accident Claim Petition No.66/2014. At the time of filing of the appeal, the appellant has deposited statutory amount of Rs.25,000/- in this Court.

During the pendency of the appeal, the appeal was placed before National Lok Adalat held on 22.04.2018. Before the National Lok Adalat, various officers of the appellant-Insurance Company along with Mr. Verma, learned counsel for the Insurance Company were present. They filed pursis stating therein that they wish to withdraw the present appeal. Accordingly, the Bench of National Lok Adalat consisting of Justice D. S. Zoting (Retired), Mr. K. B. Zinzarde, Retired Principal

District Judge and Mr. J. J. Chandurkar, Advocate passed an order permitting the appellant to withdraw the appeal. At the same time, it was observed in the order that appellant will be entitled for refund of Court Fees.

This Court really fails to understand the application filed on behalf of the Insurance Company for refund of the statutory amount. Had the appeal was decided and the appeal was dismissed by this Court, only claimant would have been entitled to withdraw the statutory amount deposited by the appellant. Therefore, permission cannot be granted to the appellant to withdraw the statutory amount of Rs.25,000/-. Hence, I pass the following order.

ORDER

- (i) The application is partly allowed.
- (ii) The appellant will be entitled to refund of only Court fees as admissible under the Rules.
- (iii) The claim of the appellant for refund of the statutory amount is hereby rejected.
- (iv) Registrar (Judicial) is directed to issue notices to the original claimants and permit them to withdraw the statutory amount along with interest accrued thereon.

The application is disposed of.

JUDGE