

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

FA NO.213/2018

Reliance General Insurance Co.Ltd., thr. its Authorized Officer, Nagpur

..VS..

Smt. Ujjawala wd/o Sanjay Shembalkar (Shambharkar) and ors

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

Court's or Judge's Order

.....

Shri D.N. Kukday, Counsel for the appellant.
Ms N.M. Masurkar, Counsel for Respondent Nos.2 to 4.

CORAM : V.M. DESHPANDE, J.

DATED : OCTOBER 8, 2018.

1. Heard.
2. ADMIT.
3. The record and proceedings be called for.
4. Learned counsel Ms N.M. Masurkar waives service for respondent Nos.2 to 4.

CAF NO.2802/2018

1. This application is moved by the original claimants for withdrawal of the amount.
2. Heard learned counsel Ms N.M. Masurkar for applicants/respondent Nos.2 to 4 and learned counsel Shri D.N. Kukday for the appellant.
3. The Tribunal passed order impugned in the present matter granting compensation in favour of

applicants/respondent Nos.2 to 4 in view of death of Sanjay to the tune of Rs.5,73,980/-.

4. On 2.7.2018, this Court (Coram : M.S. Karnik, J.) allowed application for grant of Stay filed on behalf of the appellant *ex parte* subject to the appellant depositing entire decretal amount before this Court. Accordingly, the appellant deposited entire decretal amount.

5. From the submissions of learned counsel Shri D.N. Kukday for the appellant, it appears that the claim of the insurance company is that on the day of the accident the insurance policy was not in force. However, he fairly submits that this issue was adjudicated before the Tribunal and learned Member of the Tribunal found that there was valid insurance policy.

6. In that view of the matter, the present application is allowed. Applicants/respondent Nos.2 to 4 will be entitled to withdraw entire decretal amount on they furnishing an undertaking before this Court that in the event the appeal filed by the appellant insurance company is allowed, they will refund the amount along with interest that will be determined by this Court at the time of final hearing of the first appeal.

7. With this, the civil application stands disposed of accordingly.

JUDGE

!! BRW !!

...../-