

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

FIRST APPEAL NO.915/2017

Cholamandalam MS General Insurance Co. Ltd., Nagpur

..Vs..

Smt. Ruksana Parvin Sayyed Hasan and others

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

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Shri A.J. Pophaly, Advocate for the appellant.  
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CORAM : Z.A. HAQ, J.

DATE : 12.3.2018.

Heard.

The substantial questions of law which arise  
for consideration are :

“(i) Whether the appellant / insurance company is liable to pay the amount of compensation towards the claim made by the legal representative of deceased, who was the second /additional driver on the bus insured with the appellant / insurance company ?

(ii) Whether the legal representative of deceased driver is entitled for compensation under the Employee's Compensation Act, 1923 when death of the employee is due to heart attack ?”

The appeal is **admitted** on the above  
substantial questions of law.

Call record and proceedings.

The appellant shall file private paper book  
within six months.

Shri B.N. Mohta, Advocate waives notice for respondent No.1.

**CIVIL APPLICATION NO.115/2017**

Connected First Appeal No.700/2017 filed by the employer is also admitted. In this appeal, the employer has challenged the award only to the extent the liability of interest and penalty is saddled on him. The employer has not challenged the award insofar as principal amount of compensation is determined by the Commissioner.

The learned Advocate for the respondent No.1 / claimant states that the claimant would like to execute the award against the respondent No. 2 / owner.

In view of the submission made on behalf of the respondent No.1 / claimant it is directed that the impugned award shall not be executed against the appellant / insurance company. The amount deposited by the insurance company be kept in fixed deposit in nationalized bank until further orders.

The civil application is **allowed** accordingly.  
No costs.

JUDGE