

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

CIVIL APPLICATION NO.3255/2018 IN FIRST APPEAL NO.144/2006 (D)

The Oriental Insurance Co. Ltd. .vs. Ku. Priti Anantrao Peshettiwar 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. Kinkhede, Advocate for applicant-respondent no.1.
Mr. Paunikar, Advocate for appellant.
Mrs. Pathade, Advocate for respondent no.3.

CORAM : V.M. DESHPANDE, J.

DATED : OCTOBER 31, 2018

This is an application for withdrawal of compensation amount. This application is moved by respondent no.1-original claimant who filed application under Section 166 of the Motor Vehicles Act for compensation. Application under Section 166 was registered as Motor Accident Claim Petition No.77/2001 before Motor Accident Claims Tribunal, Chandrapur vide judgment dated 31.10.2005 and it was partly allowed.

Insurance company i.e. Oriental Insurance Company preferred an appeal before this Court which was registered as First Appeal No.144/2006. Pursuant to the orders passed by this Court on earlier occasion, the insurance company has deposited the entire amount before this Court. Respondent no.1. filed an application for withdrawal of the amount. The said application was allowed in part and respondent no.1 has withdraw the amount in part.

On 31.01.2017, this Court (Coram: A. S. Chandurkar, J.) dismissed the appeal filed on behalf of the insurance company for want of prosecution. As on today, no steps are taken by appellant-Oriental Insurance Company for restoration of the appeal.

In that view of the matter, the application is allowed. Respondent no.1-Ku. Priti d/o Anantrao Peshettiwar is permitted to withdraw the remaining amount deposited by appellant-Oriental Insurance Company before this Court along with interest accrued thereon.

The application is disposed of.

JUDGE

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