

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

CIVIL APPLICATION (CAF) NO.3305 OF 2018
IN
FIRST APPEAL ST. NO.19025 OF 2017

M/s B. Himmatlal Agrawal, Nagpur
-vs-
Kashinath s/o Ganpatrao Salame and ors.

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

Court's or Judge's Orders.

Shri A. A. Mardikar, Advocate for appellant.
Shri S. S. Gupta, Advocate for respondent No.1.

CORAM : A.S.CHANDURKAR, J.
DATE : January 14, 2019

As the appellant has deposited the entire amount of compensation in this Court, the execution of the impugned award shall remain stayed during pendency of the proceedings.

Civil Application is disposed of.

Civil Application (CAO) No.48 of 2019

The claimants seek permission to withdraw the amount of compensation as deposited. It is submitted that as the driver of the offending vehicle did not hold a valid license and the fact that the victim was a third party, the claimants are entitled to withdraw the amount deposited.

The application is opposed by the learned counsel representing the owner of the vehicle on the ground that the Insurance Company has been wrongly exonerated

from its liability.

Prima facie considering the nature of evidence on record, the claimants are entitled to withdraw 50% of the amount of compensation as deposited on filing undertaking within eight weeks that in case the appeal is allowed, the amount withdrawn shall be repaid with interest at such rate the Court may direct. Remaining amount shall be invested in Fixed Deposit.

Civil Application is disposed of.

JUDGE