

FARAD CONTINUATION SHEET No.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

FIRST APPEAL NO. 801/2017

(THE UNITED INDIA INSURANCE CO.LTD., AMRAVATI VERSUS MEENA RAJENDRA WANKHADE & OTHERS)

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

Court's or Judge's orders

Shri M.R. Johrapurkar, counsel for appellant.
Shri A.J. Thakkar, counsel for the R-1 to 4.
Shri C.A. Babrekar, counsel for the R-6.

CORAM : A.S. CHANDURKAR, J.

DATE : JANUARY 23, 2019.

C.A.F. NO. 3481/2018.

The claimants seek permission to withdraw the amount of compensation as deposited by the Insurance Company.

The application is opposed by the learned counsel for the appellant by making reference to the observations of the Claims Tribunal in paragraph 20 of the impugned judgment. It has been held therein that the Insurance Company though not liable to pay the compensation, it could be directed to pay the same or else the claimants would be deprived from getting just compensation.

The original respondent no.3 has also filed cross-objections seeking to challenge the impugned judgment on the ground that said respondent no.3 could not have been held liable to satisfy the award.

Considering these facts and by taking a *prima-facie* view of the matter, the following order is passed:-

I. The claimants are permitted to withdraw an amount of Rs.2,50,000/- as deposited.

II. The respondent no.6 to the appeal-Cross Objector shall file an undertaking in this Court within a period of four weeks from today stating therein that if First Appeal No.801 of 2017 is allowed and the Insurance Company is exonerated of its liability, the amounts withdrawn by the claimants shall be made good alongwith interest at such rate the Court may direct.

Civil application is allowed in aforesaid terms and disposed of.

C.A.F. NO. 296/2019.

Perused the contents of the civil application. The respondent no.5 is permitted to be served by having the notice published in a daily newspaper circulated in Pune district.

Notice in this regard is made returnable on 08.03.2019.

The applicant to take necessary steps.

Civil application is disposed of.

JUDGE

APTE