

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

CIVIL APPLICATION (CAO) NO. 639 OF 2019
in
CIVIL APPLICATION (CAF) NO. 3854 OF 2018
in
FIRST APPEAL (FA) NO. 609 OF 2018

(The Oriental Insurance Co. Ltd. Vs. Sunita Vinayak Thakre and ors.)

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri A. V. Joshi, Advocate for the appellant
Shri V. R. Thote, Advocate for the respondent nos. 1 to 3.

CORAM : M. G. GIRATKAR, J.

DATE : 14/06/2019

This application is for clarification of order dated 19.12.2018 passed by this Court in Civil Application no. 3854 of 2018. The application was allowed, as prayed for withdrawal of the amount.

Learned Advocate Shri Thote for respondent nos. 1 to 3 has submitted that Registry is not granting permission to withdraw the amount.

The order passed by the Tribunal in MACP No. 32 of 2015 decided on 12.03.2018, is very clear. Operative part of the order is reproduced as under:

“1] The application is allowed with costs.

2] The applicant no. 1 and 3 are entitled to the compensation of Rs.6,70,000/- inclusive of N.F.L.

3] *The Non-applicant no.1 and 3 are jointly and severally liable to pay the compensation.*

4] *The Non-applicant no.3 being insurer to indemnify Non-applicant no.1 and do pay the entire amount of compensation to the applicants as directed along with interest at the rate of 8% per annum from the date of application till realization of the amount along with proportionate costs.*

5] *The claim of applicant no.4 stands dismissed.*

6] *On depositing the entire amount, Rs.30,000/- shall be paid to applicant no.2.*

7] *Remaining amount of Rs.6,40,000/- be distributed equally between applicant no.1 and 3.*

8] *Out of their share, the amount of Rs.1,00,000/- be paid to them by cross cheque and remaining amount shall be deposited under fix deposit receipt with any of the nationalized Bank of their choice for the period of three years with a right to accrue quarterly interest with proportionate costs and interest.*

9] *Award be drawn up accordingly.*

10] *The deficit court fee, if any, be recovered from the applicants before issuing the certified copy of this award.*

11] *Dictated and delivered in open court”.*

The respondent nos. 1 to 3 are entitled to withdraw the amount as per the above order passed by the

Chairman, Motor Accident Claims Tribunal, Gadchiroli in
MACP No. 32 of 2015.

Registry is directed to pay the amount of
compensation as per the order of the Tribunal. The
application is disposed of.

JUDGE

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