

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

**First Appeal No. 436/2019**

The National Insurance Co. Ltd.

**-VERSUS-**

Yogita W/o Gopinath Nanwatkar & ors.

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

Court's or Judge's Orders

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Shri V.P. Maldhure, Advocate for appellant.  
Shri V. A. Patil, Advocate for respondent No.1.

**CORAM : VINAY JOSHI, J.**

**DATE : DECEMBER 19, 2019.**

Heard.

2. **Admit.**

3. Issue notice to the respondent Nos. 2  
and 3 on merit returnable after 4 weeks.

4. The learned counsel for respondent No.  
1 waives service of notice.

**Civil Application No. 2643/2018**

5. The appellant is seeking stay to the  
execution of impugned judgment and award  
passed in MACP No. 108/2014. The appellant has  
deposited entire compensation amount in this  
Court. In view of that the execution of impugned

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judgment and award is stayed till final disposal of of appeal.

6. Civil application stands disposed of.

**Civil Application (F) No. 1787/2019**

7. The respondent No. 1 is seeking for withdrawal of compensation amount. The appellant objected on the ground that there are arguable issues like breach of policy's conditions, entitlement of respondent No. 1 to file claim and other issues. On the other hand, learned counsel for respondent No. 1 submitted that 4 claims arose out of the same accident. Already 2 claims were settled by Insurer in National Lok Adalat. In one case, award has been passed on merit and it has been complied with by Insurer.

8. Taking into account of above facts, respondent No. 1 is permitted to withdraw 50% on usual undertaking and 50% amount on furnishing surety to the satisfaction of Registrar (Judicial).

8. Civil Application stands disposed of.

**JUDGE**

Gohane.