

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

CIVIL APPLICATION (CAO) NO.60/2019

IN

CIVIL APPLICATION (CAF) NO.718/2018

IN

FIRST APPEAL ST. NO.23318/2014

Reliance General Insurance Co. Ltd. Nagpur through its Manager

...Versus...

Yakubsha s/o Aabidsha and others

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

Court's or Judge's orders

Shri D.N. Kukday, Counsel for applicant/appellant
Shri P.R. Agrawal, Counsel for respondent no.1

CORAM : ARUN D. UPADHYE, J.

DATE : 10/01/2019

Heard.

Perused the application. It appears that the appellant/Insurance Company has deposited the amount on 2/12/2017 vide Pursis St. No.15478/2017. However, this fact was not brought to the notice of this Court and therefore, stay was vacated by the order dated 8/1/2018.

Considering the above facts and circumstances, I am of the view that the stay granted by the order 10/11/2017 could be made continued. Hence, the following order.

The civil application is allowed. The order dated 8/1/2018 is modified. The stay to the effect and operation of the impugned award, granted by this Court on 10/11/2017, is continued.

The civil application stands disposed of accordingly.

CIVIL APPLICATION (CAO) NO.59/2019

Heard.

This is an application filed by the applicant/respondent no.1 for withdrawal of amount deposited by the appellant in this Court.

Perused the impugned judgment and award. The respondent no.2 – owner of the vehicle is directed to pay the compensation with interest to the claimant. However, subsequent directions are given that the appellant/Insurance Company shall satisfy the claim at first instance and then recover the same from the owner of the vehicle.

Considering the above facts and circumstances of the case, the civil application is allowed. The respondent no.1 – claimant is allowed to withdraw 50% of the amount deposited by the appellant in this Court, upon furnishing usual undertaking to the satisfaction of the Registrar (Judicial) that in case the appeal is allowed, he shall refund the amount with interest.

The civil application stands disposed of accordingly.

The appellant/Insurance Company to take steps for service on the respondent nos.2 and 3.

JUDGE

Wadkar, P.S.