

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

CIVIL APPLICATION [F] NO. 3907/2019
IN FIRST APPEAL NO. 1281/2018.

Reliance General Insurance Co. Ltd., Nagpur.-**VERSUS-** Rajendra Hilalsing Sapkal and others.

CIVIL APPLICATION [F] NO. 3906/2019
IN FIRST APPEAL NO. 1480/2019.

National Insurance Co. Ltd.-**VERSUS-** Rajendra Hilalsing Sapkal and others.

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

Court's or Judge's Orders

S/Shri D.N. Kukdey & C.A.Anthony, Advocates for
Appellants.

Shri S.P. Pawar, Advocate for applicants/Respondent Nos.1
& 2.

Shri S.D. Mishra, Advocate for Respondent No.3.

CORAM : VINAY JOSHI, J.

DATE : 05.11.2019.

Heard.

2. Initially two claimants have approached the Claims Tribunal for grant of compensation in terms of Section 166 of the Motor Vehicles Act. The Tribunal has partially allowed the claim and granted total compensation of Rs. 5,30,000/-, inclusive of claim towards no fault liability, and directed respondents, to pay the awarded amount as specified

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in the final order. The said judgment and award was challenged by both the insurance companies by way of separate appeals, and it is informed that both the appeals were heard on merits and came to be dismissed by this Court vide common judgment and order dated 03.10.2019, meaning thereby the award passed by the Claims Tribunal was confirmed.

3. It is informed by the learned counsel for the appellants that they have recommended to challenge the orders passed in First Appeals before the Hon'ble Supreme Court, however, they are not aware whether appeals are filed. Therefore, it is apparent that as on date there is no record to show that either any appeal is filed or stay is granted.

4. In the circumstances, there is no hurdle in releasing the amount to the applicant/claimant to which he is entitled. However, it needs to be recorded here that the claim petition is preferred by the parents of minor deceased and the Tribunal has awarded total compensation as stated above and apportioned 50% amount to both the parents.

5. In the circumstances, applicants are entitled to the amount particularly assigned to their

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share by the Tribunal. However, while disbursing the said amount, I feel it appropriate to obtain an undertaking to secure the interest of the appellants, in case any appeal is filed and judgment is reversed. In view of that following order is passed.

- (i) Civil Applications are allowed.
- (ii) Applicants/Respondent nos.1 and 2 are permitted to withdraw the amount allotted to their share as per the award passed by the Tribunal, along with interest accrued, if any. However, said amount be disbursed to them after obtaining usual undertaking.

JUDGE

Rgd.