

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

FIRST APPEAL NO.54 OF 2013

ICICI Lombard General Insurance Co.Ltd. ...Appellant
vs.
Kumar Aftab Nasim Ansari and Anr. ...Respondents

Mr. Nikhil Mehta i/b. KMC Lega for the Appellant
Ms. Akanksha Helaskar i/b. Mr. A.M. Kulkarni, for the Respondent
No. 1.

CORAM : N. J. JAMADAR, J.
DATE : DECEMBER 07, 2021

P.C.:

. Heard the learned counsel for the parties.

2. This appeal was directed against the judgment and award dated 10th June, 2011 passed in MACP No.451 of 2019 by the learned Chairman, MACT, Kolhapur awarding compensation of Rs.19,47,100/- The amount was directed to be deposited within a period of 45 days. It was further provided by the Tribunal that, in case of default, the amount shall carry interest at the rate of 8% p.a. from the date of filing of petition till its realization.

3. By judgment and order dated 26th June, 2020 this Court modified the award passed by the Tribunal and declared that respondent No. 1 (original applicant) is entitled to receive

compensation in the sum of Rs. 8,74,150/- from the appellant /insurer with interest at the rate of 9% p.a from the date of filing of the Claim Petition till realization.

4. The learned counsel for the applicant submits that the Registry has advised the respondent No. 1/ original applicant to adopt legal remedy as available in law.

5. The entitlement of the original applicant to receive the amount of compensation in terms of the judgment and order passed by this Court on 26th June, 2020 i.e. the sum of Rs. 8,74,150/- along with interest @ 9% p.a from the date of filing the Claim Petition till the said amount came to be deposited with the Registry of this Court, after deducting the amount which has already been received by the applicant, cannot be questioned.

6. Hence, the Registry shall pay the balance amount to the original applicant in terms of the order passed by this Court on 26th June, 2020.

7. The rest of the amount be refunded to the appellant/ insurer.

(N. J. JAMADAR, J.)