

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

FIRST APPEAL NO.961 OF 2016

Reliance General Insurance Co. Ltd., Akola Divisional Office, through its Manager, Nagpur office,
Nagpur.

Vs.

Smt. Malekas Bi w/o Syd. Afsar 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, Advocate for appellant.

Shri U. J. Deshpande, Advocate for respondent nos.1, 3, 4 and 5.

CORAM : AVINASH G. GHAROTE, J.

DATE : JANUARY 03, 2020.

Civil Application No.580 of 2019

This is an application for withdrawal of amount filed by the respondent nos.1 to 5 (respondent nos.1, 3, 4 and 5). The Motor Accident Claims Tribunal, Akola was pleased to award compensation of Rs.18,63,000/- including no fault liability with interest @ 8.5 % per annum from the date of petition till its realization. This judgment and award passed by the Motor Accident Claims Tribunal dated 31.08.2015 has been assailed in the present appeal. The appeal has been admitted on 29.11.2019. By the present application the applicants submit that they do not have sufficient funds to maintain the parents of the deceased who are also not having any source of income so as to sustain themselves, in the light of which some amount may be permitted to be withdrawn.

Shri D. N. Kukday, learned counsel for the applicant submits that the appeal is in respect of the quantum awarded and more number of passengers in the taxi which was subject matter of

the accident. Considering the rival contentions and the need of the applicants, the applicants are permitted to withdraw 30 % of the amount subject to an undertaking been furnished that in case the appeal is allowed, the applicants will refund the amount with 9 % interest thereupon. The Civil Application is accordingly allowed in above terms.

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Shri U. J. Deshpande, learned counsel appearing for the respondent nos.1, 3, 4 and 5 makes a statement that respondent no.2 Syd. Afsar s/o Syd. Imam has passed away. However, rest of the respondent nos.1, 3, 4 and 5 who are his legal heirs are already on record.

Shri D. N. Kukday, learned counsel for the applicants undertakes to file relevant documents and depositions of the witnesses recorded in the trial Court within two weeks, by which time the Record and Proceedings be called from the concerned Court. Paper book is dispensed with. List the matter for final hearing on 04.02.2020.

Shri U. J. Deshpande, learned counsel waives notice for the respondent nos.1, 3, 4 and 5 for final disposal.

Shri D. N. Kukday, learned counsel for the appellant to take necessary steps to serve the respondent no.6 within the above time.

JUDGE