

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

CIVIL APPLICATION (CAF) NO.3653/2019
IN
FIRST APPEAL NO.1140/2019

Bharti Axa General Insurance Company Ltd., Pune – 411 001 through its
Regional Office, Nagpur – 440 001 through its Manage (Legal) Shri Idris Zahid
Khanwala
...Versus...
Gopalrao Thawara Rathod and others

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

Court's or Judge's orders

Shri R.D. Bhuibhar, Counsel for appellant
Shri R.N. Ghuge, Counsel for respondent nos.1 to 5

CORAM : AVINASH G. GHAROTE, J.
DATE : 09/01/2020

This appeal challenges the judgment and order dated 11/04/2017 passed by the Motor Accident Claim Tribunal, Buldana in Motor Accident Claim Petition No.274/2011, claiming compensation for loss of life of the deceased filed by his family members. The compensation of Rs.8,21,000/- was awarded. The first appeal is filed on the ground that the cheque for the insurance premium, as issued by the insurer, was dishonoured.

The learned Counsel for the appellant contends that since the issue, as to the existence of the insurance policy, is the

subject matter of the appeal, as a condition of stay, 50% of the amount awarded with interest amounting to Rs.6,29,626/- has been deposited.

The present civil application has been filed on the ground that the family members of the deceased are finding difficulty in meeting ends as they have no regular source of income.

Learned Counsel for respondent nos.1 to 5 seeks to withdraw the entire amount of compensation.

Learned Counsel for the appellant on the other hand opposes the civil application.

Considering the various contentions made by the rival parties, respondent nos.1 to 5 are permitted to withdraw an amount of Rs.3,29,626/-, upon furnishing undertaking that in case the appeal succeeds, they will refund the amount with interest @ 9% per annum.

The civil application is allowed to the above extent and disposed of accordingly. No order as to costs.

JUDGE