

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

Civil Application (CAF) No.54 of 2021

IN

First Appeal No.739 of 2015(Decided)

National General Insurance Company Ltd. through its Branch Manager **Vs.** Reena Wd/o
Akash Jambhulkar & Ors.

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

Court's or Judge's Orders

Smt. Meena N. Hiwase, Advocate for the Appellant.
Shri G.I. Dipwani, Advocate for Respondent Nos.1 to 4.
Shri A.P. Bhuibhar, Advocate h/f Shri R.D. Bhuibhar, Advocate for Respondent No.7.

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATE : 19th JANUARY, 2021.

The matter was settled before the Lok Adalat as per the award dated 8th February, 2020. The said award indicates that the appellant - National Insurance Company Limited had deposited an amount of Rs.17,73,027/- before this Court, whereas respondent No.7 - Bharti Axa General Insurance Company Limited had deposited 50% of the decretal amount with the Motor Accident Claims Tribunal, Bhandara.

2. The appellant - Insurance Company was permitted to withdraw 50% out of Rs.17,73,027 along with accrued interest and remaining 50% along with accrued interest was ordered to be paid to respondent Nos.1 to 4.

3. It is stated that the amount deposited by respondent No.7 – Bharti Axa General Insurance Company Limited has already been withdrawn by the claimants.

4. By the present application, a request has been made to release the amount payable to respondent Nos.1 to 4/original

claimants in favour of Devanand Rongdu Jambhulkar having Bank Account No.920210100003980.

5. It is seen that the respondent No.2 is the minor daughter of the deceased who was about five months old on the date of accident. The amount payable to the said respondent cannot be released in favour of respondent No.4. It is also seen that the award of the Tribunal as well as Lok Adalat does not specify the shares payable to the respective respondents.

6. Considering that the respondent Nos.3 and 4 are the parents of the deceased, 10% of the compensation along with proportionate interest is ordered to be paid to respondent Nos.3 and 4 respectively. In view of the Power of Attorney executed by respondent No.3 in favour of respondent No.4, the amount payable to respondent No.3 is ordered to be transferred in the bank account of respondent No.4.

7. Respondent No.1 is the widow of the deceased. An amount equivalent to 30% of the compensation along with proportionate interest thereon is ordered to be released in favour of respondent No.1 and balance 50% of the compensation along with proportionate interest is ordered to be invested in fixed deposit in the name of respondent No.2 in any Nationalized Bank initially for a period of six years with further renewal till the time respondent No.2 attains the age of majority.

8. The civil application stands disposed of.

(SMT. ANUJA PRABHUDESSAI, J.)