

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

Civil Application (CAF) No.31 of 2021
IN
First Appeal No.01 of 2021

Reliance General Insurance Co. Ltd. Vs. Narayanrao Marotrao Tighare & Ors.

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

Court's or Judge's Orders

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Shri D.N. Kukday, Advocate for the Appellant.
 Shri Sawan Alaspurkar, Advocate for Respondent Nos.1 and 2.

CORAM : S.M. MODAK, J.
DATE : 7th JANUARY, 2021.

The mistake in the order dated 16th December, 2020 in Civil Application (CAF) No.1089/2018 is apparent. Though in the body of the order, there is opinion expressed to allow withdrawal for 75% of the deposited amount, in the operative part due to mistake, there is a direction to transfer only 50% of the amount. It needs to be corrected.

So also, in direction No.(a) there is insistence for personal identification of respondent No.1 only. However, in direction No.(d) respondent No.1 was directed to file an affidavit. So, both are inconsistent. Hence, the operative order in Civil Application (CAO) No.1663/2019 dated 16th December, 2020 be modified as follows:-

ORDER

- a) The application is **allowed**.
- b) Nazir is directed to transfer 75% of the deposited amount of Rs.15,13,201/- along with the accrued

interest in the joint account of respondent Nos.1 and 2.

- c) The respondent Nos.1 and 2 are directed to give undertaking that they will return the amount, if the decision of the appeal will go against them.
- d) The personal identification is dispensed with considering their age and ailments.
- e) The respondent No.1 is directed to file an affidavit along with the bank document about receipt of the amount.
- f) The civil application is disposed of.

JUDGE