

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

Civil Application (CAF) No.644 of 2020
IN
First Appeal No.855 of 2009

Oriental Insurance Company Ltd., through its Divisional Manager

Vs.

Malini wd/o Pramod Ingole 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 Lalit Limaye, Advocate for the Appellant.
Ms. D.V. Sapkal, Advocate for Respondent Nos.1 to 4.

CORAM : S.M. MODAK, J.
DATE : 4th JANUARY, 2021.

Heard learned Advocate Ms. D.V. Sapkal for the claimants/respondent Nos.1 to 4 and learned Advocate Shri Lalit Limaye for the appellant/Insurance Company.

2. The present appellant was one of the insurance company before the Claims Tribunal. United Indian Insurance Company was the another insurance company. The present appellant and the owner of one vehicle were directed to pay 50 per cent amount, whereas another insurance company and the owner of the another vehicle were directed to pay 50 per cent amount. The 50% amount comes to Rs.2,51,750/-. There was a direction to pay 7.5 per cent per annum interest.

3. The original claimants/present respondent Nos.1 to 4 were entitled to get the principal amount as well as the interest amount as directed by the Claims Tribunal. In the appeal filed by the

present appellant, this Court has modified the award by holding that first the appellant has to pay the amount and then they are entitled to recover it from the insured i.e. present respondent No.5.

4. The present appellant has deposited Rs.25,000/- and Rs.2,85,566. After the disposal of the appeal on 30th January, 2019, the original claimants have withdrawn the principal amount. The Office has not allowed them to withdraw the interest amount.

5. It is submitted that it was for the reason that this Court's judgment dated 30th January, 2019 is silent on the point of withdrawal of the interest. The notion of the Office is not correct. Except the modification, rest directions of the Claims Tribunal are intact. The claimants/respondent Nos.1 to 4 are entitled to get the interest. They have withdrawn the amount. Ultimately, the office must be aware of the same. Respondent Nos.2 to 4 have given power of attorney to respondent No.1. - Malini wd/o Pramod Ingole. Hence the direction:-

The Office is directed to transfer whatever amount is lying towards the interest in the bank account of respondent No.1 on personal identification.

The civil application is disposed of.

JUDGE