

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

Civil Application [CAF] No.2974 OF 2019
in
First Appeal No.1467 of 2019

Bharti Axa General Insurance Co. Ltd.

vs.

Sau. Kusum w/o Shivaji Hattimare & others

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

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Court's or Judge's Orders

Shri R.D. Bhuibhar, Advocate for the Appellant.

Shri R.M. Tahaliyani, Advocate for Respondent Nos.1 & 2.

CORAM : SMT. ANUJA PRABHUDESSAI, J.
DATE : 16th FEBRUARY, 2021.

Learned Counsel for the Appellant states that the entire amount of compensation as per the judgment and award, dated 26/03/2019 of the Claims Tribunal, has been deposited before this Court.

In the light of the said statement, the execution and implementation of the impugned judgment and award of the Claims Tribunal is stayed till the disposal of the appeal.

The application stands disposed of.

Civil Application [CAF] No.336/2021 :

Respondent Nos.1 & 2 - Original Claimants have sought to withdraw the amount of compensation deposited by the Appellant-Insurance Company. It is seen that the impugned judgment is assailed mainly on the ground of breach of terms and conditions of the policy. Learned Counsel for the Appellant states that the driver of the offending vehicle was not

holding a valid and effective driving licence as on the date of the accident.

Considering the grounds raised in the appeal memo, 75% of the compensation awarded by the Claims Tribunal in MACP No.70/2016 is ordered to be paid to respondent No.1 on furnishing an undertaking that the amount will be refunded, if the Appellant succeeds in the appeal.

The application stands disposed of.

First Appeal No.1467/2019 :

Heard.

Admit.

Shri R.M. Tahaliyani, learned Counsel waives service of notice for respondent Nos.1 & 2.

Private paper-book to be filed within a period of six weeks.

JUDGE

**sandesh*