

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

Civil Application (F) No.482/2021 in First Appeal No.1170/2017 (D)
(Bharti Axa General Ins. Co. Ltd V Nandkumar Borkar and others)

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

Court's or Judge's orders

ShriA.J. Pophaly, Adv for appellant.
Shri K.S. Motwani, Adv for resp.nos. 1 to 3.

CORAM : S.M. MODAK, J.
DATE : 05-04-2021.

Hearing was conducted through video conferencing and the learned counsel agreed that the audio and visual quality was proper.

2. Heard learned Advocate Shri Motwani for the original claimants and learned Advocate Shri Pophaly for the appellant/Insurance Company.

3. The Company has deposited an amount of Rs.4,84,253/- + Rs.25,000/- as mandatory deposit. The respondent nos. 1 to 3 have withdrawn 50% of the amount during the pendency of the appeal. Both have compromised the matter and the appeal is finally disposed of on 22-12-2020. As per the said compromise, the Insurance Company is entitled to get back Rs. 80,000/- + Rs. 25,000/-and interest. For rest of the amount, the Insurance Company is consenting for paying it to the respondent nos. 1 to 3.

4. The respondent nos. 1 to 3 are having individual accounts. They want transfer to those accounts. Prayer can be accepted. They are asking for apportionment equally. Hence, the order :-

ORDER

- (a) Rs. 80,000/- + Rs. 25,000/- along with accrued interest be refunded to the Insurance Company by transferring it to their accounts.
 - (b) The office is directed to transfer remaining amount along with interest equally in the bank account of respondent nos. 1 to 3 on furnishing bank details without insisting for identification.
5. Application is disposed of.

(S.M. Modak, J.)