

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

Civil Application (CAF) No.523 of 2021
IN
First Appeal No.429 of 2011

M.S.R.T.C. through Division Controller Vs. Gita wd/o Kewalram Uike & Ors.

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

Court's or Judge's Orders

None for the Appellant.
Shri Ishwar Charlewar, Advocate for Respondent Nos.1 to 6.

CORAM : S.M. MODAK, J.
DATE : 25th MARCH, 2021.

Hearing was conducted through Video Conferencing and the learned Advocate agreed that the audio and visual quality was proper.

2. Heard Shri Ishwar Charlewar, learned Advocate for respondent Nos.1 to 6.

3. Today, no one is present for the appellant and respondent No.7/Insurance Company. On the last date, I have already heard learned Advocate Shri V.H. Kedar for the appellant. Already, this Court has permitted the claimants to apply for withdrawal of the amount as per the order dated 6th June, 2011. The appellant has deposited Rs.1,03,537/-.

4. This is the 50% of the amount due from the appellant. There was an objection that the claimants may be directed to furnish surety, whereas claimants want to release of the amount on furnishing an undertaking.

5. Even though, there is an order in the year 2011, the

claimants took almost nine years to apply for withdrawal. The reasons may be different. But this Court feels that asking the claimants to furnish surety will be onerous on them. After all, this is not entire amount. Hence, the direction:-

- a) The Office is directed to transfer an amount of Rs.1,03,537/- along with the accrued interest to Motor Accident Claims Tribunal, Bhandara.
- b) Motor Accident Claims Tribunal, Bhandara is directed to transfer that amount in the bank account of respondent No.1 – Gita Kewalram Uike on following conditions:
 - i. On furnishing bank details and on furnishing power of attorney on behalf of respondent Nos.2 to 6.
 - ii. On furnishing undertaking by respondent No.1 that she will return the amount, if the decision will go against them.
- c) Motor Accident Claims Tribunal, Bhandara is directed to communicate about compliance of undertaking and bank details to this Court and then Office is directed to transfer that amount to Bhandara Court.
- d) The civil application is disposed of.

JUDGE