

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

Civil Application (CAF) No.774/2021
IN
First Appeal No.644/2009 (Decided)

National Insurance Co. Ltd. **Vs.** Shri Padmakar Balwant Sopley (Dead) thr. L.Rs. & Anr.

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

Court's or Judge's Orders

Shri Ashish Paunikar, Advocate for the Appellant.
 Shri A.J. Pophaly, Advocate for L.Rs. of Respondent No.1.

CORAM : S.M. MODAK, J.
DATE : 29th JUNE, 2021.

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

2. The matter is already disposed of on 6th February, 2019. The insurance company has deposited Rs.2,43,454/-. This Court as per the order dated 19th December, 2019 permitted respondent No.1(A) to withdraw that amount. However, due to oversight, an amount of Rs.2,71,454 was mentioned.

3. After this order, respondent No.1(A)-Gajanan Sopley expired on 24th June, 2020. He was survived by his wife respondent No.-1(I) and son respondent No.1(II). Respondent No.1(II)-Anshul Sopley has consented for withdrawal by his mother Mangala Sopley. So also, respondent No.1(B)-Atul Sopley expired on 10th July, 2020. Whereas respondent No.1(B)-Atul Sopley during his lifetime and respondent No.1(C)-Anju have also consented for withdrawal by respondent No.1(A)-Gajanan Sopley. This consent is recorded by this Court in the order dated 19th December, 2019.

4. So necessary corrections are required in the order dated 19th December, 2019. Now only respondent No.1(A)(I)-Mangala Gajanan Sopley is entitled to receive the amount. Hence, the direction:-

- a) Office is directed to transfer an amount of Rs.2,43,454/- along with accrued interest in the bank account of respondent No.1(A)(I)-Mangala Gajanan Sopley on furnishing necessary details.
- b) Necessary modifications be made in the order dated 19th December, 2019.
- c) The civil application is disposed of.

JUDGE