

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

First Appeal No.382/2020

Bharti Axa General Insurance Co. Ltd. Vs. Manika wd/o Harshwardhan Pitale & Anr.

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

Court's or Judge's Orders

Shri R.D. Bhuibhar, Advocate for the Appellant.
 Mrs. U.A. Bhattad, Advocate for Respondent No.1.

CORAM : S.M. MODAK, J.
DATE : 30th APRIL, 2021.

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

The notice issued to respondent No.2 returned back as door was closed. Respondent No.2 be served with fresh notice by pasting if he is not available at the time of service.

Stand over to 2nd week of July, 2021.

Civil Application (CAF) No.899/2021

Heard learned Advocate Mrs. Uma Bhattad for the original claimant/respondent No.1.

The mother of the deceased/respondent No.1 is asking for withdrawal of the amount. According to learned Advocate Shri R.D. Bhuibhar, if she wants withdrawal of the amount more than 50%, she has to plead special reason. According to learned Advocate Mrs. Uma Bhattad, the respondent No.1 is a senior citizen and the deceased was the only earning member. The appellant - insurance company has deposited an amount of Rs.21,14,960/-.

Her relationship with the deceased is not disputed. So also, the COVID-19 situation is not disputed. Hence, the order:-

ORDER

- a) The application is allowed.
- b) Nazir is directed to transfer 60% amount of Rs.21,14,960/- in the bank account of Respondent No.1 on furnishing bank details.
- c) The respondent No.1 to furnish usual undertaking.
- d) The civil application is disposed of.

JUDGE