

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

First Appeal No.1136/2019

The New India Assurance Co. Ltd. Vs. Smt. Sarika wd/o Pravin Shahade & Ors.

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

Court's or Judge's Orders

Shri M.B. Joshi, Advocate for the Appellant.
 Shri S.K. Bhoyar, Advocate for Respondent Nos.1 to 3.

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.4 returned back as the office is closed since last 3 years.

Appellant to take necessary steps.

Stand over to 2nd week of June, 2021.

Civil Application (CAF) No.912/2021

Heard learned Advocate Shri S.K. Bhoyar for the original claimants/respondent Nos.1 to 3 and learned Advocate Shri Joshi for the appellant.

Though he is appearing for respondent No.5 – mother of the deceased, at present, he is not having any instructions to ask for withdrawal on her behalf.

The Tribunal has quantified the compensation to the tune of Rs.47,75,768/- along with the other benefits. The appellant – insurance company has deposited Rs.65,76,093/- before this Court.

The Tribunal has not apportioned the amount amongst the three original claimants and the present respondent No.5. The issue can be dealt with while deciding further request for withdrawal. The appellant is objecting for withdrawal. But, when the claim is for limited amount, it can be allowed. Hence, the order:-

ORDER

- a) The application is allowed.
- b) Nazir is directed to transfer an amount of Rs.20,00,000/- in the bank account of Respondent No.1 on furnishing bank details.
- c) The respondent No.1 to furnish usual undertaking.
- d) The respondent No.1 to utilize the amount for herself and for respondent Nos.2 and 3.
- e) Personal identification is dispensed with in view of the residence of respondent No.1 at Wardha, and on account of the COVID-19 situation.
- f) The civil application is disposed of.

JUDGE