

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

Civil Application (CAF) No.1768/2021
IN
First Appeal No.392/2019 (Decided)

Bharti Axa General Insurance Co. Ltd. Vs. Sukhdeo S/o Mengaji Sahare & Ors.

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

Court's or Judge's Orders

Shri A.V. Pande, Advocate h/f Shri R.D. Bhuibhar, Advocate for the Appellant.
 Shri P.R. Agrawal, Advocate for Respondent Nos.1 to 4.
 Ms. Nupur Bhide, Advocate h/f Shri R.M. Tahaliyani, Advocate for Respondent Nos.5 & 6.

CORAM : S.M. MODAK, J.
DATE : 27th SEPTEMBER, 2021.

Heard learned Advocate Shri Agrawal for respondent Nos.1 to 4/original claimants and learned Advocate for the appellant-insurance company.

02] The appellant/insurance company has deposited the amounts on various occasions. It is as follows—

i.	Rs.21,11,021/-
ii.	Rs.5,05,748/-
iii.	Rs.25,000/-
Total	Rs.26,41,769/-

03] This Court while disposing of the first appeal has enhanced the amount of compensation. In direction No.2(ii), apportionment amongst the respondent Nos.1 to 4 is also given. So also, in direction No.3, Nazar was directed to transfer the amount mentioned therein as per direction No.3 given by the Claims Tribunal. It is true that there is a direction by this Court, so also there is a direction by the Claims Tribunal. Ultimately, the direction given by

this Court has to be followed.

04] In view of that, the following modifications be made in the operative part of the judgment dated 7th May, 2021.

- i. Direction No.2(ii) be followed and the amount be apportioned as mentioned therein amongst respondent Nos.1 to 4.
- ii. The amount which remains after adding the three amounts mentioned in the table be distributed amongst respondent Nos.1 to 4 equally.
- iii. Nazar is directed to transfer the amount in the bank accounts of respondent Nos.1 to 4 as directed above.
- iv. Nazar is directed to transfer the amount of accrued interest in the bank account of respondent No.1-Sukhdeo Sahare.
- v. In view of that, direction No.3 in the operative part of the judgment dated 7th May, 2021 be deleted.

05] The civil application is disposed of.

JUDGE