

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

**CIVIL APPLICATION NO. 1888 OF 2021 IN
FIRST APPEAL NO. 530 OF 2014**

(M/s. Maratha Cement Works Vs. Smt. Vaishali wd/o Kashinath Dandekar & ors.)

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Ms. R.S. Dewani, Advocate for the appellant.
None for the respondents.

CORAM:- PUSHPA V. GANEDIWALA, J.
DATED :- SEPTEMBER 29, 2021.

Heard.

The applicant/appellant/the owner of the offending vehicle, is seeking refund of the amount deposited by the appellant as per the directions of this Court vide orders dated 23/06/2016 and 17/04/2017.

It is stated that this Court while disposing of First Appeal No.530/2014 dated 23/08/2019 directed the Insurance Company i.e. respondent No.2 to pay Rs.19,18,570/- towards compensation to the claimants with interest at the rate of 7.5% from the date of petition till its realization inclusive of N.F.L.

This Court also directed the refund to the appellant/owner for the amount of compensation, if any, deposited by the appellant/owner.

Ms. R.S. Dewani, learned counsel appearing on behalf of the applicant submits that the appellant has deposited 50% of the decretal amount as per the order of

this Court dated 23/06/2016 and 80% of the decretal amount vide order of this Court dated 17/04/2017 and hence, the total amount deposited is Rs.33,39,342/- with the Registry of this Court. However, the same amount could not be withdrawn with interest as there is no directions with respect to interest in the operative part of the judgment of this Court.

Considering this fact, the application is allowed and the appellant is permitted to withdraw the aforesaid amount with accrued interest thereon.

The application stands disposed of accordingly.

CIVIL APPLICATION NO. 1889 OF 2021

Heard.

Perused the application.

Considering the reasons as mentioned in the application, the application is allowed in terms of prayer clause (a).

The appellant is permitted to correct/amend the cause title and replace the name of applicant from “A Unit of Gujrat Ambuja Cement Ltd.” to “A Unit of Ambuja Cement Ltd.”

The necessary amendment be carried out forthwith.

The application stands disposed of accordingly.

JUDGE