

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

CIVIL APPLICATION (F) NO.2004 OF 2021

IN

FIRST APPEAL NO.424 OF 2015

[The Oriental Insurance Co. Ltd. **..Versus..** Renuka Wd/o. Bandu
Pophale and Ors.]

*Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders.*

Court's or Judge's order

Shri. A. W. Paunikar, Advocate for Applicant

Shri. A. P. Tathod, Advocate for the Non-Applicant Nos.1, 4 and 5.

CORAM : V. M. DESHPANDE, J.

DATE : 29th NOVEMBER, 2021.

1. The Appeal was filed by the Applicant/Insurance Company challenging the judgment and Award dated 22.12.2011 passed in Motor Accident Claims Tribunal in MACP No.77 of 2011. The appeal was admitted.

2. During the pendency of the Appeal, compromise to place in between the parties before Lok Adalat and accordingly, the Applicant/Insurance Company withdrew the Appeal.

3. During the pendency of the Appeal, the Insurance Company has deposited of Rs.5,60,070/- in this Court.

4. When the Appeal filed on behalf of the Insurance Company stands withdrawn, the original Claimants are entitled to withdraw the said amount.

5. Shri. A. P. Tathod learned Counsel for the original Claimants submitted that the Claimants are required to move this Application because, as per the Registry, one of the Claimant by name Harish S/o Bandu Pophale was

minor, when the claim petition was filed. By passage of time, he became major. He further submitted that the Office has raised the objection unless and until the separate Bank Account is open in the name of Harish, his name be included in the joint account of the other Non-Applicants, he will not be able to withdraw the said amount. It is further submitted that the present application for suitable direction is offered by Harish Bandu Pophale, who attained the majority, after the claim petition was decided and during the pendency of this Appeal.

6. The learned Counsel Shri. Tathod invited my attention to the Para No.5 of the Application in which, it is stated by Claimant Harish on affidavit that his share of the compensation can be deposited in the joint account of his mother, grandfather and grandmother and he has no objection whatsoever in nature if the amount is transferred in joint Bank Account of his mother, grandfather and grandmother. The statement made by Harish on affidavit is accepted.

7. In that view of the matter, the Application is **disposed of.**

8. The Registry shall permit all the Claimants including Harish to withdraw the amount as per the prayer made in the Application.

JUDGE

TAMBE

ASHISH
ASHOKRAO
TAMBE

Digitally signed
by ASHISH
ASHOKRAO
TAMBE
Date: 2021.12.02
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