

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

CIVIL APPLICATION NO. 735 OF 2021
IN
CIVIL APPLICATION (CAF) NO. 4203 OF 2019
IN
FIRST APPEAL NO. 70 OF 2013(D)

ICICI Lombard General Insurance Co. Ltd., thr. Branch Manager
..vs..
Varsha wd/o Suresh Nandurkar and ors.

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

Court's or Judge's orders

Shri P.R. Agrawal, Advocate for applicants / respondent nos.
1 to 3.

CORAM : VINAY JOSHI, J.
DATED : 23/11/2021

Heard.

2. Initially the claim was filed by the widow, two minor sons and father of the deceased on account of death of one Suresh Nandurkar in vehicular accident. The claim was allowed by the Tribunal for specified sum along with interest. The Tribunal has directed to invest the amount of Rs.3 lakhs each in the name of minor sons (i.e. original petitioner nos. 2 and 3) till they attain majority. So far as, rest of the amount is concern, the Tribunal has directed that it shall be disbursed equally in between widow i.e. applicant/respondent no.1 (original petitioner no.1) and father of the deceased i.e. original petitioner no.4. The said order was challenged by the Insurance Company in First Appeal, however, it was dismissed

by this Court vide its judgment and order dated 10.01.2019. As the amount was not disbursed, the original petitioners have sought clarification from this Court, which is as per order dated 28.11.2019.

3. By the present application, it is informed that respondent no.4 (father of the deceased) died on 15.03.2015. Till date office of this Court has disbursed the amount coming to the shares of two minors as they attained majority. It is informed that out of remaining amount, 50% amount has been disbursed to applicant/respondent no.1-widow, by this Court. Now, rest of the amount of the share of respondent no.4 (father of the deceased) is lying with this Court since the respondent no.4 is dead. By this application, the applicant nos. 1 to 3 (original petitioner nos. 1 to 3) have prayed for disbursement of said amount in their favour. The applicants have given an undertaking that in case anyother legal heirs of deceased, resist the claim, in that case they would deposit the amount, if ordered by this Court. Basically, the amount is of compensation on account of death of husband of applicant no.1 Smt. Varsha Nandurkar, who is a widow. The very legislative intention behind granting compensation is to provide means of survival to the widow and children of the deceased.

4. Having regard to the object of legislation, I find no difficulty in disbursing the entire amount of

the share of deceased/original petitioner no.4 – Mahadev Nandurkar to applicant nos.1 to 3/respondents, who are in true sens, the sufferer.

5. In view of that, Registry is directed to disburse the remaining amount of the share of original petitioner no.4-Mahadev Nandurkar, lying with the office, in equal proportion, to applicants/respondent nos. 1 to 3 along with accrued interest, if any.

JUDGE

Trupti