

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

Civil Application (CAF) No.3502/2019

IN

First Appeal No.1165/2017

Reliance General Insurance Co. Ltd. through its Manager, Nagpur Office **Vs.** Sunita wd/o Vinayak
Dahat & Ors.

WTH

Civil Application (CAF) No.3503/2019

IN

First Appeal No.1166/2017

Reliance General Insurance Co. Ltd. through its Manager, Nagpur Office **Vs.** Sunita wd/o Vinayak
Dahat & Ors.

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

Court's or Judge's Orders

Shri D.N. Kukday, Advocate for the Appellant.
Shri Sawan Alaspurkar, Advocate for Respondent Nos.1 to 3.

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATE : 15th FEBRUARY, 2021.

The Applicants herein, who are the original claimants in M.A.C.P. 218/2013 and 221/2013, have filed these applications for withdrawal of compensation deposited by the Appellant – Insurance Company.

2. It is stated that pursuant to order dated 23/11/2017, the Appellant – Insurance Company has inadvertently deposited an amount of Rs.19,21,214/- in First Appeal No.1166/2017. It is stated that the said amount was required to be deposited in First Appeal No.1165/2017. It is also stated that the Appellant – Insurance Company has inadvertently deposited an amount of Rs.5,44,311 and Rs.27,895/- in First Appeal No.1165/2017 and that the said needs to be transferred in First Appeal No.1166/2017.

3. Learned counsel for the Appellant – Insurance Company does not dispute the said statement made in paragraph 5 of the application. Hence, an amount of Rs.19,21,214/- along with interest accrued thereon is ordered to be transferred in First Appeal No.1165/2017.

4. It is stated that respondent No.3, who was the original claimant No.3, has expired, her death certificate is placed on record. It is stated that respondent Nos.1 and 2 are the only legal representatives of the respondent No.3.

5. Since, the appeals have been disposed of, 50% of the compensation deposited by the Appellant – Insurance Company, pursuant to the judgment and award dated 07/03/2017 passed by the Claims Tribunal in M.A.C.P. No.218/2013 along with proportionate interest accrued thereon, be paid to respondent No.1 – Sunita Dahat.

6. The respondent No.2 is the minor daughter of the deceased, hence her share, which is equivalent to 50% of the compensation deposited by the Appellant – Insurance Company along with proportionate interest accrued thereon, be transferred to M.A.C.T., Amravati with directions to invest the said amount in the name of the respondent No.2 – Riya Dahat in any Nationalized Bank initially for a period of six years, with further renewal till the date, she attains the age of majority.

7. Similarly, the amount of compensation deposited by the Appellant – Insurance Company, pursuant to the judgment passed by the Claims Tribunal in M.A.C.P. 221/2013 along with interest accrued

thereon, be paid to the respondent No.1 – Sunita Dahat.

8. Both civil applications stand disposed of.

(SMT. ANUJA PRABHUDESSAI, J.)