

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

CIVIL APPLICATION (F) NO.975 OF 2018 IN
FIRST APPEAL STAMP NO. 21780 OF 2015

Reliance General Insurance Co. Ltd.

Vs.

Umashankar Sahebodin Asoriya and others

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

Court's or Judge's orders.

Shri D.N. Kukday, Advocate for appellant.

Mrs. Saboo, Advocate h/f Shri N.R. Saboo, Advocate for respondent no.1.

CORAM : PUSHPA V. GANEDIWALA, J.

DATE : 27th AUGUST, 2021.

Shri Kukday, learned counsel for appellant makes a statement that entire decretal amount with interest has been deposited with the Registry of this Court.

2. In view of above, ad interim stay operating against impugned judgment and order is made absolute, during pendency of the appeal.

3. The application stands disposed of.

CIVIL APPLICATION NOS.434 & 435 OF 2019

4. Heard.

5. Perused the applications.

6. By of these applications, the appellant-Insurance Company is seeking condonation of delay of 189 days in filing the application for setting aside abatement and bringing legal representatives of respondent no.1 on record.

7. Considering the reasons stated in the applications, the applications are allowed. Delay of 189 days caused in filing the application for setting aside abatement and bringing legal representatives of respondent no.1 on record is condoned. Abatement order against respondent no.1 is set aside.

8. Appellant to bring legal representatives of respondent no.1 on record. Necessary amendment be carried out within a period of two weeks.

9. The applications stand disposed of.

CIVIL APPLICATION NO.1675 OF 2021

10. Heard.

11. By this application, legal representatives of original respondent no.1 are seeking permission to withdraw the decretal amount with interest accrued thereon.

12. It is stated that the appellant has deposited Rs.13,64,541/- vide CCDR No.4336 dated 11.12.2017.

13. I have perused the impugned judgment and also the application.

14. It is stated that claimant filed a execution proceeding for recovery of decretal amount against the appellant and the Executing Court issued warrant of attachment against the appellant. It is further stated that on 15.11.2017 the office of the appellant through its Legal Claims Manager agreed to deposit Rs.14,00,000/- as per mutual settlement which include decretal amount. It is further stated that appellant without disclosing this fact of settlement, pressed an application for restoration of the appeal which was dismissed in default.

15. Considering the aforesaid submission and considering the date of accident which occurred on 03.08.2010, the claimant, who was seriously injured in the accident and during the pendency of the claim petition the injured has expired, the applicants are permitted to withdraw Rs.11,00,000/- from the aforesaid amount on furnishing usual undertaking before the Registrar (Judicial) of this Court.

16. Registry is directed to transfer the aforesaid amount in favour of respondent no.1/claimant within two weeks from the date of account details are furnished.

17. The application stands disposed of.

JUDGE

Wagh