

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

Civil Application [CAF] No.2771 of 2019
in
First Appeal St. No.28911 of 2018

Shriram General Insurance Co. Ltd.

vs.

Chandrakala w/o Ramaji Todase & others

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

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Court's or Judge's Orders

*Shri A.V. Joshi, Advocate for the Applicant-Appellant.
Shri S.S. Bhalerao, Advocate for Respondent Nos.1 & 2.
Shri Tejas Deshpande, Advocate for Respondent No.4.*

CORAM : SMT. ANUJA PRABHUDESSAI, J.
DATE : 5th MARCH, 2021.

The applicant-appellant has sought to condone the delay of 101 days in preferring the appeal.

In view of the reasons stated in the application, the delay is condoned. The application stands disposed of.

Civil Application [CAF] No.2772/2019:

Learned Counsel for the applicant-appellant states that the entire amount of compensation has been deposited.

In view of the said statement, execution and implementation of the impugned judgment and award is stayed till disposal of the appeal finally on merits.

The application stands disposed of.

Civil Application [CAF] No.560/2021:

Claimants/Respondent Nos.1 & 2 have filed this application for withdrawal of the amount. The Claims Tribunal has held that the appellant as well as the owner and driver are jointly and severally liable to pay compensation. The appellant has challenged this finding on the ground that the appellant is not liable to pay the amount in view of breach of terms and conditions of the policy.

Considering the limited scope of appeal and the grounds raised in the appeal, respondent Nos.1 & 2 are permitted to withdraw 75% amount of the compensation with accrued interest thereon subject to filing of an undertaking that the amount of compensation shall be refunded with interest, as specified by the Court, to the appellant, in the event the appellant succeeds in the appeal.

The application stands disposed of.

First Appeal St.No.28911/2018:

Heard.

Admit.

Call for records and proceedings.

Shri S.S. Bhalerao, learned Counsel waives service of notice for respondent Nos.1 & 2 and Shri Tejas Deshpande, learned Counsel waives for respondent No.4.

Filing of paper-book is dispensed with.

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JUDGE