

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

12 CIVIL APPLICATION NO.2009 OF 2021
IN FA/448/2007

HAJRABI SHAIKH LAIKODDIN AND ORS

VERSUS

UNITED INDIA INSURANCE CO. LTD. BEED

...
Advocate for Applicants : Mr Tauseef Yaseen Sayyed
Advocate for Respondent No.1 : Mr S.V. Kulkarni (absent)

CORAM : SHRIKANT D. KULKARNI, J.
DATE : 18th APRIL, 2022

PER COURT :

1. Heard Mr Tauseef Sayyed, learned counsel for the applicants/appellants.
2. Mr S.V. Kulkarni, learned counsel for the insurance company remained absent when the matter is called out. He was also marked absent on previous date on 14.03.2022.
3. Mr Sayyed, learned counsel for the applicants/appellant has invited my attention to the copy of Judgment and order passed in First Appeal No. 448/2007 dated 16th July, 2018. He submitted that the appeal came to be partly allowed fastening the liability to pay the compensation amount on respondent Nos. 1 and 2/owner and driver. Respondent No. 3/insurance company has been exonerated. However, respondent No.3/insurance company has been given liberty to recover the amount of compensation which has been paid to the claimants with interest.

4. Perused the impugned Judgment and order passed in First Appeal No. 448/2007. The appeal has been disposed of on 16th July, 2018.

5. The applicants/claimants have already withdrawn an amount of Rs. 1,00,000/- after taking permission from this Court. Remaining balance of amount is still lying with the Registry. In view of the final disposal of the appeal, there is no propriety to keep this amount with the Registry. The insurance company may recover the amount of compensation from the owner and driver as per the liberty granted by the Court vide Judgment and order dated 16th July, 2018.

ORDER

- (i) The application is hereby allowed in terms of prayer clause 7(B).
- (ii) The civil application is accordingly disposed of.

(SHRIKANT D. KULKARNI, J.)

mta