

Niti

IN THE HIGH COURT OF BOMBAY AT GOA

FIRST APPEAL NO.143 OF 2019

Reliance General Insurance Co. Ltd
Branch off. Bangalore - Karnataka.
Through its authorized signatory,
Mr. Vivek Karne

...Appellant

Versus

1) Shri Jafar Sye Kadar Mulla
S/o Sayed Kadar Mulla
Major of age 31 years
R/o House no.1316,
Kasailem, Tisk, Usgaon,
Ponda Goa.

2) Shri Mallikarjun S. Manngi,
S/o Shkappa Manngi
Major in age,
R/o House no. do not know,
Soonur, Haveri, Karnataka.
(Driver of truck no.KA-52-1723)

3) Vice Chairman,
M/s Patel Integrated Logistics Ltd.
No. 19th KM, Mahanayakan Hall,
Madavara (P) Bangalore, Karnataka.
(Owner of truck no KA-52-1723)

...Respondents

Mr. James Lopes, Advocate for the Appellant.

CORAM: M. S. SONAK, J.

DATED: 7th APRIL 2022

ORAL JUDGMENT :

1. Heard Mr. James Lopes, learned Counsel for the appellant. The respondents, though served, are absent.

2. Admittedly, in this case, no leave was obtained under Section 170 of the MV Act. Therefore, the appeal questioning the quantum of compensation awarded in the impugned award will not be maintainable having regard to the law laid down by the Division Bench of this Court in *I.C.I.C.I. Lombard General Insurance Co. Ltd., Amravati V/s. Surekha w/o. Prakash Ghurde and ors.*¹.

3. Accordingly, this appeal is dismissed. However, dismissal of this appeal will not come in the way of the appellant-Insurance Company from instituting any other proceedings, if maintainable in law.

4. The appellant/Insurance Company has deposited the awarded amount in this appeal. Accordingly, the claimants are permitted to withdraw the amount deposited in this Court together with interest, if any, that may have accrued thereon, after adjusting the amounts already withdrawn by the claimants, **after**

¹ (2020) 2 Bom.CR 465

six weeks from today, unless, of course, the appellant/Insurance Company, in the meanwhile, secures restraint orders for such withdrawal.

5. Further, upon deposit of the entire awarded amount, the claimants will be entitled to withdraw the same. Registry to ensure that necessary intimation is sent to the claimants. The claimants will have to submit proper identification and bank details so that the Registry can directly transfer the amounts into the respective bank accounts of the claimants.

6. The appellant/Insurance Company will however be entitled to withdraw the statutory deposited amount of ₹25,000/-. The Registry to permit such withdrawal forthwith.

7. This appeal is disposed of in the aforesaid terms.

M. S. SONAK, J.

NITI K
HALDANKAR

Digitally signed by
NITI K HALDANKAR
Date: 2022.04.08
11:02:17 +05'30'