

Suchitra

IN THE HIGH COURT OF BOMBAY AT GOA

FIRST APPEAL NO.47/2017

ICICI LOMBARD GENERAL
INSURANCE CO. LTD., 101,
1st floor, Kamat Towers, Plot No.
8, Patto Plaza, KTC Bus Stand,
Panjim, Goa.

...APPELLANT

Versus

1) SITA SHIVAJI SINDE, Widow
of Shivaji Sinde, 49 years,
Housewife.

2) SANJAY SHIVAJI SINDE, s/o
Late Shivaji Sinde, 29 years, Both
r/o House No. 18, Old Goa,
Tiswadi, Goa.

3) MELROY JOSEPH
ALMEIDA, s/o Joseph Almeida,
Major, R/o 392, Dona Paula,
Tiswadi,

4) JOSE MANUEL ALMEIDA,
s/o Manuel Almeida, Major,
House, No. 525, near Hawai
Beach, Dona Paula, Tiswadi,
Goa.

...RESPONDENTS

Mr. Clayton Fonseca, Advocate *for the Appellant.*

Mr. Mahesh Amonkar, Advocate *for Respondents No.3 and 4.*

CORAM: M. S. SONAK, J.

DATED: 28th JULY 2022

ORAL JUDGMENT:

1. Heard Mr. Clayton Fonseca for the appellant and Mr. Mahesh Amonkar for respondents no.3 and 4.
2. This is an appeal by the insurance company. Admittedly, no leave was obtained under Section 170 of the Motor Vehicles Act.
3. Accordingly, following the law laid down by the Division Bench of this Court in the case of this very appellant, in *I.C.I.C.I. Lombard General Insurance Co. Ltd., Amravati vs. Surekha w/o. Prakash Ghurde and Ors. - (2020) 2 Bom CR 465*, this appeal will have to be dismissed.
4. Accordingly, this appeal is hereby dismissed.
5. Respondents No.1 and 2-claimants are now permitted to withdraw the deposited compensation after six weeks from today, unless, in the meanwhile there is any restraint order for withdrawal of these amounts.

6. As long as the respondents-claimants are to get the entire awarded amount, the Registry to refund the amount of ₹25,000/- deposited by the appellant-insurance company at the time of institution of this appeal.

7. The appeal is disposed of in the above terms. There shall be no order for costs.

M. S. SONAK, J.