

***IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION***

***INTERIM APPLICATION NO.1120 OF 2022
IN
FIRST APPEAL NO.1816 OF 2006***

Bhamabai Manohar Yevale and

Ors.

...Applicants

Vs

New India Assurance Co. Ltd.

...Respondent

...

Mr. Manoj B. Bagal for the Applicants.

Mr. S.M.Dange for Appellant in FA/1816/2006.

CORAM : SANDEEP K. SHINDE J.

DATE : MARCH 15, 2022.

P.C. :

Heard.

2 Against the award dated 29th April, 1995 passed in Motor Accident Claims Petition No.417 of 1987, First Appeal of Insurance Company was dismissed for non-compliance of the conditional order dated 7th October, 2009. Since then, Insurance Company has not made any efforts to restore the appeal. It appears, pending appeal, Insurance Company had deposited compensation in the trial Court. In

that view of the matter, surviving claimants have moved this application seeking leave to withdraw the amount of compensation.

2 Mr. Dange, learned counsel for the Insurance Company, submitted that application is not maintainable since appeal itself was dismissed and, therefore, the applicants/original claimants should apply for execution of the award. Contention of Mr. Dange is rejected.

3 In consideration of the facts of the case, Motor Accident Claims Tribunal, Pune shall pay the amount of compensation along with the interest accrued thereon to the surviving claimants in Motor Accident Claims Petition No.417 of 1987.

4 Application is allowed and disposed of in aforesaid terms.

(SANDEEP K. SHINDE, J.)