

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

CIVIL APPLICATION (F) NO.400 OF 2020

IN

FIRST APPEAL NO.87 OF 2020

{Bharti Axa General Insurance Company, Nagpur **..Vrs..** Chayabai
Wd/o Gulab Gatade and Ors}

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

Court's or Judge's order

Shri A. P. Bhuibhar, Adv. h/f Shri R. D. Bhuibhar, Advocate for the
Appellant/Applicant.

CORAM : ABHAY AHUJA, J.

DATE : 15th SEPTEMBER, 2022.

. The learned counsel for the applicant seeks confirmation of stay granted by this Court to the order dated 10.10.2019 passed by the Motor Accident Claims Tribunal, Chandrapur, in MACP No.74 of 2012.

2. Earlier a conditional stay was granted by this Court on 27.01.2020. The learned counsel for the applicant states that since the entire amount of compensation has already been deposited in this Court, nothing survives in this application. Accordingly, the application stands disposed of.

3. Let the stay to the impugned order to continue till the final disposal of the appeal.

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4. This is an appeal filed against the order dated 10.10.2019 passed by the Motor Accident Claims Tribunal, Chandrapur, in MACP No.74 of 2012, pursuant to which, the appellant/Insurance Company and the respondent no.4 were held jointly and severally liable to pay compensation amount

of Rs.17,45,000/- (Seventeen Lakhs Forty Five Thousand Only) alongwith interest @ 6% to the original claimants.

5. The learned counsel for the appellant/Insurance Company submits that the Claims Tribunal has committed an error of law in recording finding that the deceased was earning Rs.9,500/- per month in absence of any supporting evidence.

6. None for the respondents though served.

7. Having heard the learned counsel for the appellant and having perused the grounds of appeal as well as the impugned order, the following order is passed :

ORDER

i) **Admit.**

ii) Registry is directed to call for Record and Proceedings within a period of four weeks.

iii) Private paper-book alongwith compilation of documents and evidence be filed within a period of four weeks thereafter.

iv) Let the Memo of Appeal alongwith compilation of documents and evidence be served on the respondents within a period of two weeks and an affidavit of service with tangible proof be filed in this Court by the next date.

8. List the matter on **30.11.2022.**

(JUDGE)