

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

Civil Application [CAF] No.865 of 2021

in

First Appeal No.1113 of 2018 (D)

National Insurance Co. Ltd.

vs.

Mayaram Chhatruji Warkhade, through L.Rs.& others

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

Court's or Judge's Orders

*Ms. Astha Sharma, Advocate h/f Mr. P.R. Agrawal, Advocate
for the Applicant/Respondent Nos.2 to 5.*

CORAM : M.S. KARNIK, J.

DATE : 26th APRIL, 2022.

This is an application for withdrawal of compensation amount which has been deposited by the appellant in this Court.

02] It is not in dispute that the appeal has been heard on merits and by order dated 24/09/2019 of this Court, the judgment of the Motor Accident Claims Tribunal has been modified. The compensation amount of ₹6,88,500/- granted under the head of loss of dependency was reduced to ₹4,59,000/- and the compensation awarded under rest of the heads was maintained. The respective parties were directed to submit their calculations for withdrawal of the amount before the Registrar (Judicial) and, accordingly, the claimants have filed their calculations on 02/01/2020 vide Pursis Stamp No.21/2020.

03] The amount receivable as per the modified order of this Court under the various heads has been indicated in paragraph 3 of this application. According to the claimants, they are entitled to receive an amount of ₹10,14,770/- out of the amount of ₹12,88,625 deposited by the appellant-Insurance Company. These calculations are not controverted by the appellant-Insurance Company by submitting its calculations. In these circumstances, there is no option but to accept the calculations which are submitted by the claimants. Hence, the following order :

- i. The application is allowed in terms of the prayer clause made.
- ii. The Registry is directed to transfer an amount of ₹10,14,770 along with accrued interest, if any, from 14/12/2018 to the bank account of applicant/respondent Nos.2 to 4 as mentioned in the body of the application and specifically set out at paragraph 5.
- iii. The application is disposed of accordingly.

JUDGE

**sandesh*