

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

FIRST APPEAL NO.102 OF 2021

[The Oriental Insurance Company Limited .vs. Smt. Jaya wd/o Amol Manwar and others]

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

Court's or Judge's orders

Ms. Anita Mategaonkar, Advocate for appellant,
 Ms. P.S. Chaudhari, Advocate for respondent nos.1 to 4.

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CORAM : SMT. M.S. JAWALKAR, J.

DATE : 17/08/2022.

Civil Application (CAF) No.1730/2022

Present application is filed by the respondent nos.1 to 4 for withdrawal of amount of compensation deposited by the appellant-insurance company.

2. It is submitted that the respondent no.1 is widow, the respondent no.2 is minor child and the respondent nos.3 and 4 are parents of deceased. Respondent no.1 is only 24 years of age and the respondent no.2 is minor. Claimant lost the sole bread earner. In view thereof, they pray for release of entire amount of compensation deposited by the appellant-insurance company.

3. The application is vehemently opposed by the counsel for the appellant-insurance company. She has submitted that the vehicle was transferred without intimation to the insurance company.

4. This issue can be decided at the time of final hearing. Presently, it would be appropriate to release fifty

percent of amount of compensation from the amount so deposited by the appellant-insurance company in favour of respondent nos.1 to 4.

5. Registry is hereby directed to release fifty percent of amount so deposited by the appellant-insurance company in favour of respondent nos.1 to 4. Respondent no.1 is further directed to furnish bank details. The amount in the share of respondent no.2 be deposited in the account of respondent no.1. Respondent no.1 is further directed to invest the amount of Rs.2,00,000/- (Rs. Two Lacs only) in the name of minor child–respondent no.2 in any Nationalized Bank. Respondent no.1 is allowed to withdraw quarterly interest on the said fixed deposit in the name of respondent no.2. Registry is directed to disburse the amount after the bank details are furnished by the respondents. The respondents to furnish undertaking to the effect that if the appellant succeeds in the matter, they would refund the amount, as per final order, which would be passed in the present appeal.

Application is disposed of.

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Heard.

Appeal is **admitted** for final hearing.

Record and proceedings be called.

[Smt. M.S. Jawalkar, J.]