

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

CIVIL APPLICATION (CAF) NO.2423/2022
IN
FIRST APPEAL NO.382/2022

National Insurance Company Ltd. Branch Office, Wardha Through Manager,
Nagpur
...Versus...
Arvind s/o Bapurao Gedam and others

WITH
CIVIL APPLICATION (CAF) NO.2421/2022
IN
FIRST APPEAL NO.381/2022

National Insurance Company Ltd. Branch Office, Wardha Through Manager,
Nagpur
...Versus...
Banduji s/o Anandrao Mute and others

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

Court's or Judge's orders

Ms Anita Mategaonkar, Advocate for appellant
Ms R.G. Nitnaware, Advocate for respondent nos.1 and 2

CORAM : AVINASH G. GHAROTE, J.
DATE : 24/11/2022

1. The civil application seeks withdrawal of the entire amount of compensation as awarded by the learned Motor Accident Claims Tribunal by the award dated 20/03/2021.

2. Though learned counsel for the appellant objects on the ground that there is contributory negligence, however, considering that the claim has already been granted by the learned Motor Accident Claims Tribunal and the need of the respondent nos.1 and 2 as stated in para 4 of the application, the respondent nos.1 and 2/original claimants are permitted to withdraw 50% of the amount deposited, subject to their furnishing usual undertaking to the satisfaction of the Registrar (Judicial) of this Court. The civil application is allowed in the above terms.

FIRST APPEAL NO.382/2022

Time to file private paper-book is extended by two weeks.

CIVIL APPLICATION (CAF) NO.2421/2022

IN

FIRST APPEAL NO.381/2022

1. The civil application seeks withdrawal of the entire amount of compensation as awarded by the learned Motor Accident Claims Tribunal by the award dated 20/03/2021.

2. Though learned counsel for the appellant objects on the ground that there is contributory negligence, however,

considering that the claim has already been granted by the learned Motor Accident Claims Tribunal and the need of the respondent nos.1 and 2 as stated in para 4 of the application, the respondent nos.1 and 2/original claimants are permitted to withdraw 50% of the amount deposited, subject to their furnishing usual undertaking to the satisfaction of the Registrar (Judicial) of this Court. The civil application is allowed in the above terms.

(AVINASH G. GHAROTE, J.)

Wadkar