

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

CIVIL APPLICATION [CAF] NO. 2565/2021
IN FIRST APPEAL NO. 134/2021.

The Bajaj Allianz General Insurance Company Ltd. Nagpur.

-Versus -

Tahemena Arif Mirza Beg and others.

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

Court's or Judge's Order

Ms. M. Naik, Advocate for the Appellant.
Shri P.S. Mirache, Advocate for Respondent Nos.1 & 2.
Shri B.P. Bhatt, Advocate for Respondent No.4.

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATE : JANUARY 13, 2022.

Heard.

2. By this application, applicants/ respondent nos. 1 and 2 have sought withdrawal of the compensation amount deposited by the appellant / Insurance Company.

3. The learned Counsel for the appellant opposes withdrawal on the ground that there is total breach of terms and conditions of the policy and that the appellant is not entitled to indemnify the owner.

4. By order dated 08.09.2021, this Court has allowed respondent no.6 – father of the deceased, to withdraw his share of the compensation. Respondent no.1 is widow and respondent no.2 is minor child of 1 ½ years of age.

5. Having gone through the reasons stated in the Civil Application, respondent no.1 is permitted to withdraw Rs.75,000/- [Rs. Seventy Five Thousand only] with proportionate interest accrued thereon. The balance amount payable to respondent no.1 shall be invested in fixed deposit. Since respondent no.2 is a minor, her share is ordered to be invested in a fixed deposit with any nationalized Bank till further orders.

6. Civil Application stands disposed of in above terms.

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First Appeal No.134/2021.

Learned Counsel for the appellant states that several other First Appeals arising from the same accident are pending before this Court. She undertakes to file list of such cases arising from the same accident. Registry is directed to tag those appeals along with this appeal for the purpose of hearing, and place the same for directions on 24.01.2022.

(SMT. ANUJA PRABHUDESSAI, J.)