

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

CIVIL APPLICATION (CAF) NO.2774 OF 2019
IN
FIRST APPEAL STAMP NO.28962 OF 2018

Shriram General Insurance Co. Ltd., Through its Branch Manager, Nagpur
Vs.

Gayatri wd/o Rameshwar Dahare and others

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

Court's or Judge's orders

Shri G. I. Dipwani, Advocate for the appellant.

Ms. Sonali B. Khobragade, Advocate for respondent Nos.1 to 6.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 31/01/2023

1. By this application, appellant is seeking stay to the effect and operation of impugned judgment and award dated 6.7.2018 passed by Chairman, Motor Accident Claim Tribunal, Gondia.

2. The amount of compensation is already deposited. In view of the same, the effect, operation and implementation of impugned judgment and decree passed in M.A.C.P. No.48 of 2014 is stayed, till final disposal of the appeal.

3. Civil Application No.2774 of 2019 is disposed of.

Civil Application (CAF) No.588 of 2022

1. By preferring this application, the respondent No.1 is seeking withdrawal of the compensation amount on the ground that due to the

death of deceased in the accident, the respondent No.1 who is the widow of the deceased has no source of income. Though award is passed in her favour, she has not received single penny towards the compensation. She has no source of income. She has to maintain her minor children.

2. Said application is opposed by learned Advocate for the appellant on the ground that appellant has challenged the award as the compensation awarded is exorbitant one.

3. However, considering the grounds mentioned in the application, the widow has to maintain the minor children. It will be just and proper to allow her to withdraw 50% of amount of the compensation along with the accrued interest.

4. In view of the reasons mentioned in the application, respondent No.1 is permitted to withdraw 50% of the amount on usual undertaking.

5. Civil Application No.588 of 2022 is disposed of.

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The learned Advocate for the appellant submitted that the appeal can be disposed of by amicable settlement. Considering the same, matter be placed before the Lok-Adalat scheduled on 11.2.2023.

(URMILA JOSHI-PHALKE, J.)