

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

CIVIL APPLICATION (CAF) NO. 1128 OF 2023
IN
FIRST APPEAL NO. 594 OF 2013 (D)

THE ORIENTAL INSURANCE CO. LTD.

...**VERSUS**...

NIRMALA WD/O. NEPAL RAMTEKE AND ORS.

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

Court's or Judge's order

Shri D.N.Kukday, Advocate for appellant.

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

DATE : 26th JULY, 2023

The present application is filed by respondent nos. 1 to 3/ claimants for modification of order dated 13/07/2019.

2. It is submitted that the matter was withdrawn by the appellant company. At that time, the respondents were absent, though they served. The order dated 13/07/2019 passed in the National Lok Adalat needs to be modified to the extent that, the amount deposited by the appellant in the Court was directed to be paid to the respondents/claimants, however, there has to be the words "in equal proportion".

3. I have gone through the order dated 23/05/2011 passed by learned M.A.C.T., Bhandara in M.A.C.P. No. 119/2008, wherein there is order directing to disburse the amount to the applicants/ claimants equally. However, the shares of minors, has directed to be kept in F.D.R. in any Nationalized Bank. In view of withdrawal of appeal, the order passed by learned M.A.C.T. needs to be

confirmed. If the applicant nos. 2 and 3 are still minor, their shares will be invested in F.D.R. in any Nationalized Bank, till they attain the age of majority. As such, the impugned order dated 13/07/2019 is hereby modified.

4. It is hereby directed to the Nazir to disburse the amount, so deposited, to the claimants, along with accrued interest, in equal proportion and applicant no. 1 is directed to deposit/invest the amount of compensation in the shares of minors in F.D.R. in any Nationalized Bank, till they attain the age of majority.

5. Accordingly, the application stands disposed of.

(Smt. M.S. Jawalkar, J.)

B.T.Khapekar