

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

CIVIL APPLICATION (CAF) NO. 1725 OF 2023
IN
FIRST APPEAL NO. 87 OF 2017
WITH
CROSS-OBJECTION (XOB) NO. 82 OF 2017

BHARTI AXA GENERAL INSURANCE COMPANY LTD., INDORE THR. MANAGER (LEGAL), SHRI. IDRIS ZAHID KHANWALA

...VERSUS...

SAMEENA D/O. MOHD. YUSUF DESHMUKH AND ANR.

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

Court's or Judge's order

Shri R.D.Bhuibhar, Advocate for appellant.

Shri S.A.Mohta, Advocate for respondent no. 1/cross-objector.

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

DATE : 14th JULY, 2023

The present application is filed by respondent no. 1/claimant for direction to the appellant to deposit the remaining 25% of the amount of compensation and grant of permission to withdraw the same.

2. It is urged that respondent no. 1 has visited Get Well Soon Hospital at Jalgaon, where the Doctor has found that there is infection in her left leg, for which, suggested to get it operated earlier and also opined that due to dripping of pus due to several infection in the wound which may result in spreading of infection, therefore, urgent medical treatment is required, for which, an estimate of costs of Rs. 20,80,000/- was given.

3. On this submissions, the report of Nazir was called. As per report, an amount of Rs. 17,84,039/- is lying with the Bank. In view thereof, it would be appropriate to grant permission to withdraw the said amount.

4. If need arises in future, the applicant/respondent no. 1 will approach this Court for the directions to be issued to the appellant to deposit remaining 25% of the amount.

5. As such, the claimant is permitted to withdraw the amount of Rs. 17,88,157/- as this amount is the maturity amount which is going to be matured on 17/07/2023.

6. As earlier, there is direction to transfer the amount of compensation to learned Motor Accident Claims Tribunal (M.A.C.T.), Akola so as to facilitate the withdrawal, hence, the Registry is directed to transfer an amount of Rs. 17,88,157/- to learned M.A.C.T., Akola within a period of one week.

7. Accordingly, the application stands disposed of.

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

B.T.Khapekar