

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

**CIVIL APPLICATION NO.2443 OF 2022 IN
FIRST APPEAL NO.142 OF 2021**

(Reliance General Insurance Co. Ltd. Vs. Shubhangi wd/o Ravindra Arakhrao and ors.)

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

Court's or Judge's Order

Shri Lokesh Dadmal, Advocate h/f Shri A.M. Kukday, Advocate for the
appellant.
Shri V.A. Patait, Advocate for respondent Nos.1 and 2.

CORAM:- URMILA JOSHI-PHALKE, J.

DATED :- JANUARY 17, 2023.

Heard.

2. By this application, the applicant-original claimants are seeking withdrawal of the amount deposited by the appellant-Insurance company. The appellant-Insurance Company has preferred the appeal and challenged the award passed by the Motor Accident Claims Tribunal, Bhandara. During the pendency of the appeal, the appellant-Insurance Company has deposited Rs.72,53,348/- on 10/05/2022.

3. As per the contention of the original claimants, deceased was the only earning member of the family. Though Tribunal has passed award on 24/09/2018, the original claimants have not received single penny towards compensation. All the claimants are dependent upon the income of the deceased. Due to the accidental death of the deceased they have lost their income source. Considering the same, the amount can be disbursed to them.

4. Considering the contents of the application, 50% amount be disbursed to the original claimants on furnishing usual undertaking.

5. In view of that the application is allowed and disposed of accordingly.

6. Claimant Nos.1 and 2 are permitted to withdraw 50% of the compensation amount deposited in the Court, on furnishing usual undertaking.

7. The amount be disbursed on due identification and verification.

CIVIL APPLICATION NO.2583/2019

By this application, the appellants are seeking stay to the implementation, execution and operation of the award passed by the Motor Accident Claims Tribunal, Bhandara.

3. In view of the order passed earlier, the appellant has already deposited the entire compensation amount along with accrued interest.

4. In view of that the effect, operation and implementation of the award of Motor Accident Claims Tribunal, Bhandara is stayed till disposal of the appeal.

5. Civil application is disposed of.

FIRST APPEAL NO.142/2021

Heard.

2. Call for R. and P.

3. Place the matter for final hearing on 13/02/2023.