

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

**CIVIL APPLICATION NOS.2137 OF 2021
AND
CIVIL APPLICATION NOS.620 OF 2022 IN
FIRST APPEAL NO.334 OF 2021**

(Bharti Axa General Insurance Co. Ltd. Vs. Sajeda Begam wd/o Mehmood 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 A. Bhuibhar, Advocate for the appellant.
Shri K.P. Mirache, Advocate for respondent No.1.
Shri M. Hariramani, Advocate for R. No.2.
Shri R.T. Anthony, Advocate for respondent Nos.3 and 4.

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

Heard.

2. Both the applications are filed by respondent Nos.1, 3 and 4 for withdrawal of the compensation amount.

3. As per the contention of the respondents, appellant-Insurance company has challenged the award dated 04/12/2020 passed by the Motor Accident Claims Tribunal Nagpur in Claim Petition No.379/2013 on the ground that though there is a breach of policy, the Tribunal directed the Insurance company to pay and recover the same from the owner.

4. The appellant-Insurance company has deposited the amount of compensation to the extent of 50% thus, the appellant has deposited an amount of Rs.6,18,457/- on 01/06/2021.

5. Respondent Nos.1, 3 and 4 are the legal representatives of the deceased. As already amount to the extent of 50% is deposited, it is the contention of respondent Nos.1, 3 and 4 that they are in need of money as they have lost their earning member in the family.

6. In view of the reasons mentioned in the application, both the applications are allowed.

7. Respondent Nos.1, 3 and 4 are permitted to withdraw the amount of Rs.6,18,457/- along with accrued interest.

8. The amount be disbursed equally between respondent Nos.1, 3 and 4.

9. Both the civil applications are disposed of.

FIRST APPEAL NO.334 OF 2021

Heard.

2. By order dated 17/01/2022, the appellant has directed to deposit the balance 50% amount along with interest within four weeks, which is not yet deposited by the appellant-Insurance company.

3. The appellant to deposit the balance amount within two weeks from the date of this order.

(URMILA JOSHI-PHALKE, J.)

**Divya*