

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

**CIVIL APPLICATION NO.827 OF 2023 IN
FIRST APPEAL (ST.) NO.15435 OF 2019**

(Reliance General Insurance Co. Ltd., Amravati Vs. Mumtajbee w/o Iliyas Khan & ors.)

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

Court's or Judge's Order

Shri H.N. Verma, Advocate for the appellant.
Shri D.S. Khushalani, Advocate a/w Shri Bhavin Suchak, Advocate for
respondent No.1.

CORAM:- URMILA JOSHI-PHALKE, J.
DATED :- MARCH 30, 2023.

Heard.

2. Present application is for seeking permission to withdraw the amount on the ground that the Insurance company has already deposited the amount.

3. Respondent No.1 is the injured. She has no source of income. She has sustained the injuries and therefore, she is unable to work, therefore, she is facing the financial crisis.

4. Said application is strongly opposed by the learned Counsel for the appellant on the ground that the appellant has challenged the quantum of compensation as it is awarded excessive and exorbitant one.

5. Considering the application and the objection raised by the appellant, it will be appropriate to permit the respondent No.1 to withdraw 50% of the amount along with accrued interest on usual undertaking.

6. The 50% of the compensation amount deposited along with accrued interest be disbursed to

respondent No.1 on due identification and verification.

7. Civil application is disposed of.

CIVIL APPLICATION NO.3490 OF 2019

Heard.

2. Present application is for condonation of delay on the ground that the appellant-Insurance company has to obtain the necessary approvals from its regional office wherein the time was consumed, therefore, there is a delay of 188 days.

3. Said application is strongly opposed by respondent No.1 on the ground that the delay is not properly explained.

4. In view of the reasons mentioned in the application, delay of 188 days is condoned.

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Appeal be registered.

2. **ADMIT.**

3. Shri Khushalani, learned Counsel waives notice for respondent No.1

4. Call for R. & P.

5. The paper book is dispensed with.

6. Place the matter for final hearing after receipt of R. & P.

CIVIL APPLICATION NO.3491 OF 2019

Heard.

2. By this application, the appellant is seeking

stay to the effect, operation and execution of the impugned judgment and award dated 05/10/2018 passed by the Motor Accident Claims Tribunal, Achalpur in Claim Petition No.10/2011.

3. Learned Counsel for the appellant submitted that he has already deposited the amount. The respondent No.1 is already permitted to withdraw the amount of compensation.

4. In view of that the implementation, effect and operation of the impugned judgment and award be stayed till final disposal of the appeal.

5. Civil application is disposed of.

(URMILA JOSHI-PHALKE, J.)

**Divya*