

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

FIRST APPEAL NO.537 OF 2018

Future General Insurance Co. Ltd., Through its Authorized Signatory, Mumbai
Vs.
Deepali wd/o Vishal Adhau and others

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

Court's or Judge's orders

Mr. H. N. Verma, Advocate for appellant.

Mr. Sawan Alaspurkar, Advocate for respondent Nos.1 to 4.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 09/01/2023

1. By this appeal appellant Insurance Company has challenged the judgment and award of the Motor Accident Claims Tribunal, Amravati.
2. The learned Advocate for the appellant is seeking leave to delete the name of respondent No.3, who died during pendency of this appeal. His legal heirs are already on record, so no steps are required to bring the legal heirs.
3. In view of that appellant is permitted to delete the name of respondent No.3.
4. The appeal be listed for final hearing on 01.02.2023.

Civil Application (CAF) No.2217/2022

1. By this application, respondents are seeking withdrawal of amount which is deposited by the

Insurance Company before this Court.

2. The application is strongly opposed by the Insurance Company on the ground that learned trial Court only on assumption saddled the responsibility of compensation on the appellant. On the other hand, learned Advocate for the original claimant submitted that case is of composite negligence. He permitted to withdraw 50 % of the amount which is deposited.

3. Heard both sides.

4. Paper-book is ready and appeal can be finally dispose of. At the same time, the claim petition is disposed of in the year 2018. Original claimants have not received amount towards the compensation. Claimants are the widow and the parents of the deceased. Considering the reasons mentioned in the application, original claimant Nos.1, 2 and 4 are permitted to withdraw 25 % of amount on furnishing usual undertaking.

5. Civil Application is disposed of.

(URMILA JOSHI-PHALKE, J.)

Sarkate