

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.
CIVIL APPLICATION NO.175 OF 2023 IN
FIRST APPEAL NO. 995 OF 2022

Divisional Manager, New India Assurance Co. Ltd. ..vs.. Tina wd/o Nitin Hadke 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 B.P Bhat, Advocate for the appellant.

CORAM:- URMILA JOSHI-PHALKE, J.
DATED :- JANUARY 23, 2023.

Heard.

2. The appellant has filed an application for speaking to minutes by contending that the appellant has filed an appeal challenging the Award dated 05/07/2022 passed by the Motor Accident Claims Tribunal, Nagpur in Claim Petition No.782/2017 by which compensation of Rs.46,27,608/- is awarded with interest at 6.5% per annum from the date of filing of the application. It is further submitted that the appellant has challenged the Award on the ground of deduction of the income of the deceased for his personal expenses. The Tribunal ought to have deduct the same by 1/3rd instead of 1/4th.

3. As there are only three claimants, the appellant – Insurance company has already deposited Rs.51,94,663/- before the Motor Accident Claims Tribunal. Now only difference of Rs.5,00,992/- is remained to be deposited. This fact is already stated in the application also. The appellant is ready to deposit the difference amount of Rs.5,00,992/- with accrued interest

thereon before the Motor Accident Claims Tribunal-4, Nagpur in Claim Petition No.782/2017.

4. The appellant is permitted to deposit the remaining amount of Rs.5,00,992/- before the Motor Accident Claims Tribunal, Nagpur within a period of eight weeks.

5. The issue raised by the appellant regarding deduction would be considered at the time of final hearing of the appeal.

6. Civil application is disposed of.

FIRST APPEAL NO. 995 OF 2022

Heard.

2. Call for R. & P.

3. Considering the appeal can be disposed of at the stage of admission, the paper book is dispensed with.

4. Stand over to eight weeks.

CIVIL APPLICATION NO.2838 OF 2022

Heard.

2. On depositing the difference amount of Rs.5,00,992/-, the effect, operation and execution of the Award is stayed till final disposal of the appeal.

3. Civil application is disposed of.

(URMILA JOSHI-PHALKE, J.)