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

CIVIL APPLICATION (CAF) NO.817 OF 2021
IN
FIRST APPEAL ST. NO.2498 OF 2021

Reliance General Insurance Co. Ltd., through its Manager, Nagpur
Vs.
Smt. Jayantabai wd/o Tukaram Soundarkar and others

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

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Mr. D. N. Kukday, Advocate for the appellant/applicant.
Mr. Asghar Hussain, Advocate for respondent Nos.1 to 3.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 24/01/2023

The applicant is permitted to furnish the copy of application for issuing of notice to the respondent No.4 within one week.

Civil Application (CAF) No. 818 of 2021

1. By this application, appellant is seeking stay to the effect, operation and execution of the award dated 17.1.2020 passed by the Motor Accident Claims Tribunal, Nagpur in claim petition No.784 of 2016.

2. In view of the earlier order passed by this Court dated 8.4.2021, the appellant has already deposited the entire compensation amount. As the appellant has already deposited the compensation amount, the effect, operation and execution of the

award passed by the Motor Accident Claims Tribunal, Nagpur in Claim Petition No.784 of 2016 is stayed, till final disposal of the appeal.

3. Civil Application is disposed of.

<u>Civil Application (CAF) No.150 of 2023</u>

1. By this application, original claimants are seeking withdrawal of the amount which is deposited by the appellant on the ground that though the award was passed in favour of the claimants, the claimants have not received single penny towards the compensation. They have lost their breadwinner in the alleged accident. There is no income of source for them and they are facing financial crises.

2. Said application is opposed by the Insurance Company on the ground that on the day of accident, the offending vehicle was not insured as the cheque issued towards the premium was dishonoured. Thus, Insurance Company has raised statutory defence and therefore application be rejected.

3. Heard both sides.

4. Perused the application.

5. Considering the statutory defence raised by the Insurance Company, at this stage original claimants can be permitted to withdraw the 50% of the amount along with the accrued interest on usual undertaking. Hence the original claimants are permitted to withdraw the 50% of the amount along

with the accrued interest on usual undertaking.

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

7. Civil Application is disposed of.

FIRST APPEAL ST. NO.2498 OF 2021

1. As already notice for final disposal at admission stage is issued, call for Record and Proceedings.

2. Stand over after four weeks.

(URMILA JOSHI-PHALKE, J.)

Sarkate