

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

CIVIL APPLICATION NO.426 OF 2020

IN

FIRST APPEAL ST.NO.19409 OF 2019

(HDFC ERGO General Insurance Co. Ltd., thr. its Branch Manager ...Vs... Parvati wd/o
Upasrao Tekade 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.M. Kukday, Advocate for the appellant/applicant.
Ms Uma Bhattad, Advocate for respondent Nos.1, 2 and 4.

CORAM:- URMILA JOSHI-PHALKE, J.

DATED :- JANUARY 12, 2023.

Heard.

2. By this application, the appellant is seeking stay to the effect, operation and implementation of the award passed by the Motor Accident Claims Tribunal, Nagpur.

3. It is submitted by the learned Counsel for the appellant that as per the order of this Court, he has deposited entire decretal amount along with the accrued interest. In view of that the effect, operation and implementation of the award passed by the Motor Accident Claims Tribunal, Nagpur is stayed till disposal of the appeal.

4. Civil application is disposed of.

CIVIL APPLICATION NO.74 OF 2023

Heard.

2. By this application, the original claimants are seeking withdrawal of the amount. As the amount is already deposited by the Insurance Company and there is no impediment and disbursing the 50% amount to the original claimants. The Insurance Company has also no objection for the same.

3. In view of that original claimants are permitted to withdraw the 50% amount of compensation which is deposited, on furnishing usual undertaking.

4. The amount be disbursed to the claimants on due verification and identification.

5. Civil application is disposed of.

FIRST APPEAL (ST.) NO.19409/2019

Heard.

2. The office note shows that the appellant has not deposited the cost of Rs.1000/-.

3. Shri Kukday, learned Counsel for the appellant submitted that earlier, the appellant was representing by another Advocate. He has to verify whether the amount is deposited or not.

4. Considering the same, Shri Kukday, learned Counsel for the appellant to verify whether the amount is deposited, if not, he shall deposit the said amount within a period of two weeks.

5. **ADMIT.**

6. Learned Assistant Government Pleader waives notice for the State.

7. The appellant to file private paper book within a period of eight weeks.

Later on :

Initially on the basis of submissions, Civil Application No.74 of 2023 is shown as disposed of.

2. Later on, Shri Kukday, learned Counsel for the appellant submitted that initially, another Advocate was representing the appellant. He verified the record and it reveals that though cheque is handed over to the earlier Counsel for depositing the amount but it was not deposited. He also submitted that he will deposit the compensation amount within a period of three weeks.

CIVIL APPLICATION NO.74 OF 2023

This application is disposed of in the earlier part of the order.

2. In view of the submission, the order passed to the effect that this application is set aside.

3. Place the matter for passing the order on Civil application No.74/2023 on 02/02/2023.

(URMILA JOSHI-PHALKE, J.)

**Divya*