

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 2509 OF 2023

M/s. Nainko Exim Pvt. Ltd.

... Petitioner

Versus

The New India Assurance Co. Ltd. & Anr.

... Respondents

Mr. S. P. Shukla i/b Vajaykumar Swami, for the Petitioner.

Mr. Asim Vidyarthi a/w Ms. Ishita Bhole and Mr. Mohit Turakhia, for Respondent No.1.

Mr. Rajabhau Chaudhari, for Respondent No.2.

CORAM: G. S. KULKARNI &
FIRDOSH P. POONIWALLA, JJ.
DATED: 6 February, 2024

P.C.

1. We had heard learned counsel for the parties on 30 January 2024 when we had passed the following order:

“ We have heard the learned counsel for the parties.

2. It appears that the amount, which the Petitioner would be entitled to receive from Respondent No.1 - The New India Assurance Company Ltd., has not been disputed by Respondent No.1, as seen from the letter dated 5th December 2022, which is an amount of Rs.3,21,24,762/-.

3. If that be so, let the said amount be paid to the Petitioner, as Respondent No.2, who is represented by Mr.Rajabhau S. Chaudhari, has taken a fair stand to state that Respondent No.2 has no objection whatsoever if the said amount is paid to the Petitioner. Statement as made on behalf of the Respondent No.2 is accepted.

4. Let such amount be paid to the Petitioner on or before the returnable date.

5. We are sure that all the concerned officers of the Respondent No.1 Insurance Company would act earnestly as by now the issue is an old issue.

6. The learned counsel for the Petitioner to inform the bank details of the Petitioner to Mr.Vidyarthi who shall forward the same to the concerned officer of the Insurance Company for RTGS payment to be made to the Petitioner.

7. List the proceedings **High on Board** on **6th February 2024**.

8. Parties to act on an authenticated copy of this order.”

2. We are informed by Mr. Vidyarthi, learned counsel for Respondent No.1/New India Assurance Company Ltd. that the amount has already been credited to the petitioner’s account. Learned counsel for the petitioner confirms the receipt of the said amount. In this view of the matter, as a fair stand has been taken on the part of the New India Assurance company, further adjudication of this petition is not called for. It is accordingly disposed of. No costs.

(FIRDOSH P. POONIWALLA, J.)

(G. S. KULKARNI , J.)