



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

CIVIL APPLICATION (CAF) NO. 403 OF 2024
IN

FIRST APPEAL NO. 281 OF 2022

The Reliance General Insurance Co. Ltd. through its Divisional Manager, Nagpur
.Vs.

Smt. Maya Vilasrao Sonone and Ors.

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

Shri D.N. Kukdey, Advocate for the appellant.
Ms Shreya Bhagat, Advocate for respondent Nos.1 to 3.

CORAM : G.A. SANAP, J.

DATE : 18.03.2024

This is an application filed by respondent Nos. 1 to 3-claimants for withdrawal of the amount of compensation in terms of the judgment and award passed by the Motor Accident Claims, Tribunal, Amravati.

2. Learned Advocate for the appellant-Insurance Company submits that since the Insurance Company has challenged the appeal, 50% amount may be allowed to withdraw on furnishing usual undertaking.

3. I have gone through the record and proceedings. Respondent Nos.1 to 3/claimants have been found entitled to get the compensation. The compensation has been determined on appreciation of the evidence on record. The accident in question occurred in 2014.

4. Respondent Nos.1 to 3 are held entitled to get the compensation. In my view, simply because of filing of the

appeal, the right of the claimants cannot be foreclosed. As such, the application is partly allowed.

5. The respondent Nos.1 to 3-claimants are allowed to withdraw 80% of the amount of compensation subject to furnishing usual undertaking to the effect that in case the appeal is decided against the respondents then respondent Nos.1 to 3 will deposit the amount with interest, as directed by this Court.

6. Application stands disposed of, accordingly.

(G. A. SANAP, J.)

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