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

CIVIL APPLICATION (CAF) No.1002 OF 2024
IN
FIRST APPEAL ST. No.5841 OF 2020

(SBI General Insurance Company Ltd., through its Divisional Manager, Mumbai Vs. Smt. Seema Shivdas @ Surdas Wankhede and others)

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

Ms. Alpana Ingolikar h/f. Ms. Mrunal Naik, Advocate for appellant.
Mr. S.S. Shingane, Advocate for respondent Nos.1 to 4.

CORAM : ANIL L. PANSARE, J.
DATE : 8th MAY, 2024.

1. By the present application he is seeking to withdraw the amount.

2. The counsel for appellant insurance company has objected the request on the ground that the cheque issued by the owner towards premium of the policy was dishonoured. This plea has been considered in para 12 of the judgment in Motor Accident Claim Petition No.366/2014. The Tribunal has relied upon the judgment in the case of **Oriental Insurance Company Limited Vs. Gitabai and others**, reported in **2014 ACJ 1423** holding that where the cheque issued towards premium was dishonoured and where the insurance company has not sent registered notice to the R.T.O. about cancellation of insurance policy prior to the accident, the course available to insurance company is to first pay the amount of

compensation and to recover the same from the owner.

3. In view of above, the objection raised by the insurance company is overrulled.

4. I have gone through the Judgment. Considering the nature of evidence on record, the respondent Nos.1 to 4 are permitted to withdraw 50% of the compensation amount with accrued interest upon furnishing usual undertaking that in case the appeal is allowed, the said amount shall be redeposited with interest at such rate the Court may direct.

5. The application is disposed of.

(ANIL L. PANSARE, J.)

Wadode