



31.caf.1127.2024 aw caf.1128.2024 in fa.880.2023.odt

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

CIVIL APPLICATION (CAF) NO. 1127 OF 2024

WITH

CIVIL APPLICATION (CAF) NO. 1128 OF 2024

IN

FIRST APPEAL NO. 880 OF 2023

(HDFC General Insurance Company Ltd. V/s Priya Brajkishor Sharma & Ors.)

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Office Notes, Office Memoranda of Coram, Appearances, court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr. A. M. Kukday, Advocate for Appellant.

Mr. D. G. Paunikar, Advocate for Respondent Nos.1 to
3/Claimants.

CORAM : ANIL L. PANSARE, J.

DATE : APRIL 17, 2024.

CIVIL APPLICATION (CAF) NOS. 1127/2024 AND 1128/2024

. Heard.

2. By both the Applications, Respondent Nos.1 to 3 have prayed for withdrawal of amount. I am informed that the total amount of compensation is to the tune of ₹ 53,00,000/- approximately, out of which, the Respondents have already withdrawn ₹ 14,00,000/-. In addition, the Respondents were allowed to withdraw an amount of ₹ 10,00,000/-, which is yet to be received by the Respondents. Thus, the Respondents have been permitted to withdraw an amount of ₹ 24,00,000/- out of the total amount of compensation.

3. The Insurance Company has challenged the Award

passed by the Tribunal mainly on the ground that driver was not holding valid driving license to drive the vehicle and also as regards application of incorrect multiplier while calculating the compensation.

4. The learned Counsel for Insurance Company submits that if the Appeal is allowed, it will be difficult to recover the amount, and accordingly made a request to permit the Respondents to withdraw only 50% of the amount. The request being reasonable, allowed.

5. The Respondents have already withdrawn around 50% of amount, of which, ₹ 10,00,000/- is yet to be disbursed.

6. The Respondents have executed Power of Attorney in favour of the Respondent No.1. She is allowed to sign all the documents on her behalf as well as on behalf of the Respondent Nos.2 and 3. The amount of ₹ 10,00,000/- shall, however, be disbursed proportionate to the Respondent Nos.1 to 3 in terms of the Award passed by the Tribunal.

7. With the above clarification, both the Civil Applications are rejected.

(ANIL L. PANSARE, J.)