



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

CIVIL APPLICATION (CAF) NO. 1219 OF 2023

IN

FIRST APPEAL (ST) NO. 6706 OF 2023

New India Assurance Co. Ltd.

Vs.

Laxmibai W/o. Balu Jangale and others

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri B. P. Bhatt, Advocate for applicant.

Shri P. S. Gawai, Advocate for non-applicant nos. 1 to 3.

CORAM :- M. W. CHANDWANI, J.

DATED :- 05.07.2024

Heard.

2. Since, the learned counsel for the non-applicant nos. 1 to 3 has no objection to condone the delay hence, for the reason stated in application, the delay caused in filing the appeal is condoned. The appeal be registered.

3. The application is disposed of accordingly.

FIRST APPEAL (ST) NO. 6706 OF 2023

4. Heard.

5. Issue notice to the respondents for final disposal at the admission stage, returnable within three weeks.

6. Shri P. W. Gawai, learned counsel waives service of notice for respondent nos. 1 to 3.

CIVIL APPLICATION (CAF) NO. 1669 OF 2024

7. Heard.

8. The learned counsel for the appellant objected to withdrawal of the amount on the ground that it was fake policy and on the date of accident, the vehicle was not insured with the appellant.

9. Perusal of the impugned award shows that the Tribunal has held that appellant failed to establish that the policy is fake. Therefore, I see no reason to not to allow the respondent nos. 1 to 3 to withdraw 50% of the decretal amount deposited by the appellant.

10. While awarding the compensation, the Tribunal directed that out of compensation amount Rs.2 lakhs each to be deposited in the name of respondent nos. 1 to 3. The respondent no. 2 became major during the pendency of the appeal. In that scenario, respondent no. 1 to 3 are permitted to withdraw 50% of the amount deposited along with accrued interest on furnishing surety to the extent of the amount to be withdrawn.

11. The application is disposed of accordingly.

(M. W. CHANDWANI, J.)