



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

CIVIL APPLICATION (CAF) NO. 2518 OF 2024

IN

FIRST APPEAL NO. 184 OF 2008 (D)

Vitthal S/o. Balaji Landge

Vs.

Shrihari Tukaram Shrirame 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 Rohit Joshi, Advocate for appellant.

Shri M. P. Khajanchi, Advocate for respondent nos. 3 and 4.

CORAM :- M. W. CHANDWANI, J.

DATED :- 04.10.2024

Heard.

2. By the present application, the claimants/applicants seek withdrawal of the entire decretal amount deposited by the appellant and respondent no. 5-Insurance Company alongwith accrued interest.

3. Perusal of the judgment dated 12.06.2019 passed in First Appeal by this Court goes to show that initially an amount of Rs.2,29,213/-, the amount of compensation without interest, have been deposited by the appellant/owner of the vehicle in the Court. In wake of the judgment delivered in the First Appeal, the Insurance Company is also directed to pay the compensation. However, since the appellant/owner had

already deposited the decretal amount, this Court has directed that the amount deposited by the Insurance Company be given to the appellant/owner.

4. It is joint request of the both the parties that to avoid further calculation of the interest on the amount deposited by the appellant/owner in the Court, which is to be paid to the claimants as per the award of the Tribunal, it will be convenient that the entire amount deposited with interest by the Insurance Company in this Court shall be given to the claimants and the amount deposited by the appellant alongwith statutory amount of Rs.25,000/-, be returned to the appellant alongwith accrued interest.

5. In view of the consensus between the parties, an amount of Rs.4,90,893/- deposited by the Insurance Company is permitted to be withdrawn by claimants/respondent nos. 3 and 4 in terms of the award passed by this Court. Since, it is further contention of the claimants/respondent nos. 3 and 4 that respondent nos. 1 and 2 died and there is no other legal heirs of respondent nos. 1 and 2 therefore, share of respondent nos. 1 and 2 is allowed to be withdrawn by respondent nos. 3 and 4 equally.

6. The Registry is directed to permit respondent nos. 3 and 4 to withdraw the entire decretal amount of Rs.4,90,893/- on undertaking that in case any other legal heirs of respondent nos. 1 and 2 come up, respondent

nos. 3 and 4 will be liable to return their respective shares.

7. The appellant is also entitled to withdraw an amount of Rs.2,29,213/- alongwith accrued interest apart from statutory deposit of Rs.25,000/- alongwith accrued interest.

8. Accordingly, the application is disposed of.

(M. W. CHANDWANI, J.)