



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

CIVIL APPLICATION (CAF) NO. 2697 OF 2024

WITH

CIVIL APPLICATION (CAF) NO. 95 OF 2025

IN

FIRST APPEAL (ST) NO. 18524 OF 2024

(United India Insurance Company Ltd. V/s Smt. Leela Ankushrao Kumare & Anr.)

Office Notes, Office Memoranda of Coram,
Appearances, court's orders or directions and
Registrar's orders

Court's or Judge's orders

Ms. Alpana Ingolikar, Advocate h/f Ms. Mrunal Naik,
Advocate for Appellant/Insurance Company.
Ms. A. S. Lolusare, Advocate for Respondent No.1.

CORAM : SANDIPKUMAR C. MORE, J.

DATE : JANUARY 13, 2025.

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. Heard rival submissions.

2. Though the service of Respondent No.2/Owner is awaited, but since the Appeal is filed challenging the quantum of compensation awarded by the learned Tribunal, notice to the Respondent No.1 can be dispensed with.

3. It appears that there is a delay of 179 days in filing this Appeal, challenging the Judgment and Award dated 30/11/2023 in Motor Accident Claim Petition No. 852/2018, by the Appellant/Insurance Company. Though the Application is opposed by the learned Counsel for Respondent No.1/Claimant,

but considering the quantum of compensation granted by the learned Tribunal and the reasons stated in the Application, the delay of 179 days in filing this Appeal stands condoned.

4. The Civil Application stands disposed of accordingly.

5. The Appeal be registered after removal of office objections, if any.

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. Heard rival submissions.

2. The Applicant/Claimant, who is the present Respondent No.1, has filed this Application for withdrawal of entire compensation amount deposited by the Appellant/Insurance Company in this Court. The record shows that the Appellant/Insurance Company has deposited an amount of Rs.52,22,473/- towards the compensation amount.

3. The learned Counsel for Appellant/Insurance Company strongly opposed this Application on the ground that the learned Motor Accident Claims Tribunal, Nagpur has granted exorbitant amount of compensation without considering the income of deceased. However, on going through the Award passed by the learned Tribunal, it appears that the learned Tribunal has held the income of deceased to the extent of Rs.40,000/- per

month against her salary slip of Rs.51,227/-. Thus, apparently, the compensation awarded by the learned Tribunal appears reasonable. However, considering the challenge to the impugned Judgment and Award raised by the Appellant/Insurance Company, it would be appropriate to release at least 50% amount of compensation to the Respondent No.1./Claimant at this juncture.

4. In view of the same, the Respondent No.1/Claimant i.e. Smt. Leela Ankushrao Kumare is permitted to withdraw 50% of the deposited amount of compensation along with the proportionate interest accrued thereon till date. The remaining amount of compensation be invested in FDR in the name of Respondent No.1/Claimant in any Nationalized Bank on yearly renewal basis during the pendency of this Appeal.

5. Civil Application stands disposed of accordingly

(SANDIPKUMAR C. MORE, J.)