



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

CIVIL APPLICATION (CAF) NO. 2806 OF 2024

IN

FIRST APPEAL NO. 200 OF 2024

(Shriram General Insurance Company Ltd. V/s Smt. Kalpana Dattatraya Helaskar & Ors.)

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

Court's or Judge's orders

Mr. G. I. Dipwani, Advocate for Appellant.
Mr. N. D. Borkar, Advocate for Respondent Nos.1 to 3
and 5.

CORAM : SANDIPKUMAR C. MORE, J.

DATE : JANUARY 22, 2025.

- . Heard rival submissions.
2. The Respondent Nos.1 to 3 and 5, being the Original Claimants have filed this Application for withdrawal of entire amount of compensation along with the interest accrued thereon.
3. The learned Counsel for Appellant/Insurance Company strongly opposed the Application on the ground that the offending truck was not at all involved in the accident and the fact of lodging FIR after about 38 days of the accident itself confirms the same.
4. However, the plea of non-involvement of vehicle was also raised before the learned Tribunal by the Appellant/Insurance Company. The Appellant/Insurance Company had infact examined

its investigator, who stated that nobody was ready to give any statement in respect of the manner, in which the accident took place. However, the Claimants had examined eye-witness of the accident, who deposed as to how the accident took place. Moreover, the concerned Investigating Officer, after recording the statements of witnesses had also filed charge-sheet against the driver of the offending truck.

5. Therefore, considering all these aspects, it would be proper to release atleast 50% of the entire amount of compensation along with the proportionate interest. Admittedly, the Respondent No.4 i.e. father of the deceased Pralhad is no more. As such, his share of compensation can be distributed equally amongst the other Claimants.

6. As such, the present Respondent Nos.1 to 3 and 5 are permitted to withdraw 50% of the deposited compensation amount falling to their respective shares, as granted by the learned Tribunal along with the proportionate interest thereon till date, on furnishing usual undertaking to the satisfaction of the Registrar (Judicial) of this Court.

7. Likewise, the 50% of the share awarded to the Respondent No.4 – deceased Pralhadrao Helaskar also be distributed amongst the remaining Claimants along with the proportionate interest accrued thereon in the same manner.

8. The remaining amount be invested in FDR in any Nationalized Bank on yearly renewal basis during the pendency of the Appeal.

9. Civil Application is, accordingly, disposed of.

10. Stand over to 20th February, 2025.

(SANDIPKUMAR C. MORE, J.)

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