

FARAD CONTINUATION SHEET.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR.

CIVIL APPLICATION NO.1402/08.
IN
IN FIRST APPEAL NO.285 OF 2002 (DECIDED)

The national Insurance Co.Ltd. ..vs.. Vatsalabai and ors.

Office Notes, office Memoranda of Coram appearances, Court's orders or directions and Registrar's order.	Court's or Judge's order
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CORAM: C.L.PANGARKAR,J.
DATE : 29th February, 2008.

1. Heard Mr.V.D.Sathe, learned counsel for the appellant.

2. The respondents have applied for withdrawal of the amount deposited in the court. The compromise order passed by the Lok-adalat shows that the respondents are entitled to sum of Rs.2,60,000/- only and the Insurance Company is entitled to receive back a sum of Rs.76000/-. Therefore, the final claim i.e. decree in favour of the respondents is Rs.2,60,000/-. They would be entitled to total sum of Rs.2,60,000/- plus interest thereon. They have already been paid Rs.

1,50,000/-, therefore they would now be entitled to sum of Rs.1,10,000/- and interest thereon. Since it appears that a large sum has already been paid, it would not be desirable to pay the sum of Rs.1,10,000/-. This sum of Rs.1,10,000/- has to be deposited in the name of claimant nos.1 and 2 in a Nationalized Bank. The Claimant Nos.1 and 2 alone would be entitled to receive interest thereon. The claimant no.3 to 5 have already become major and their share has already been given in equal sum when sum of Rs.1,50,000/ was paid. The application is, therefore, rejected.

The insurance Company be paid Rs.76000/- back along with interest thereon from out of sum of Rs. 4,44,679/- deposited in the court.

JUDGE

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