

FARAD CONTINUATION SHEET No.IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD**CIVIL APPLICATION NO.15514 OF 2015****IN****FIRST APPEAL NO.3216 OF 2008****(Nirmala Vitthal Jagdale and others Vs The Oriental Insurance
Company ltd. And others)**

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders CORAM : A.M. BADAR, J. DATED : 05.12.2015
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Mr.C.K.Shinde, Advocate for the applicants.

Mr.Patil h/f Mr.S.N.Godsay, Advocate for the respondent No.1

1. This is an application for withdrawal of amount deposited by Insurance Company in terms of judgment and award of the learned Motor Accident Claims Tribunal.

2. Perusal of order dated 12.02.2013 passed by the Registrar (Judicial) makes it clear that First Appeal filed by Insurance Company is already dismissed.

3. An adjournment is sought on behalf of non-applicants Insurance Company on the ground that Mr. Godsay, learned Counsel is not available. However, that cannot be a ground for adjournment because appeal itself is dismissed way back in the year 2013. In Social Welfare Legislation, fruits of award cannot be denied to claimants who have lost earning member in the vehicular accident. After dismissal of appeal in 2013, there is no other way out than to allow claimants to withdraw amount under the award in terms of award. Hence, following order:-

i. Civil Application is allowed.

ii. Applicants /Original claimants are permitted to withdraw amount of compensation payable to them in terms of judgment and award of learned M.A.C.T., Aurangabad. However, the

amount under the award shall
be disbursed in terms of
judgment and award dated
29.04.2005.

4. Civil Application accordingly
stands disposed of.

[A.M. BADAR, J.]