

FARAD CONTINUATION SHEET
IN THE HIGH COURT OF JUDICATURE AT BOMBAY.
CIVIL APPELLATE SIDE JURISDICTION.

CIVIL APPLICATION NO.1214 OF 2015
IN
FIRST APPEAL (ST) NO.17972 OF 2013

Office Notes, Office Memoranda of Coram, Appearances, court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr. A. B. Gatane for Applicant
Mr. Sainand V. Chougule for Insurance Co.

CORAM : K. K. TATED, J.
DATE : APRIL 17, 2015

P.C.:

1. Heard. This Application is preferred by the claimant for withdrawal of the amount deposited by the Appellant Insurance Co. In the present proceedings the Insurance Co. admitted their claim to the extent of Rs.28,56,990/- as per ground No.8 on page 3 of the appealmemo.

2. The Tribunal, by its judgment and award dated 21/11/2012 awarded sum of Rs.10 lacs in favour of the claimant No.1 and directed to deposit sum of Rs.5 lacs in a fixed deposit account for a period of 5 years.

3. Considering the submissions made by the learned counsel for the Applicant, ground No.8 of the appeal memo and the impugned award, I am satisfied that the Applicant has made out a case for allowing the present Civil Application.

4. Hence, the following order:

i) Applicant No.1 Chhaya Ramchandra Kadam is entitled to withdraw sum of Rs.10 lacs with interest without furnishing any security.

ii) The Tribunal is directed to invest the remaining amount in a fixed deposit account of any Nationalized bank, initially for a period of five years which will be renewed from time to time till hearing and final disposal of the appeal.

iii) Applicant No.1 Chhaya Ramchandra Kadam is also entitled to withdraw quarterly interest on the fixed deposit account for the benefit of minor Applicant Nos.2 and 3 without furnishing any security, subject to outcome of the First Appeal.

iv) Liberty granted to the Respondent - claimant to file an appropriate Application for withdrawal of the additional amount, if they so desire, which will be decided on its own merits.

v) Civil Application stands disposed off accordingly.

JUDGE