

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

**CIVIL APPLICATION NO. 3347 OF 2010
IN
FIRST APPEAL NO. 1588 OF 2010**

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. R.V. Bansode for the applicant.

Later on

Mrs. Sucheta Mirashi i/b Indrajeet Kulkarni for the respondent nos. 1 & 2.

CORAM : K. K. TATED, J.

DATED : 05/02/2015.

PC.:

. Heard learned Counsel for the applicant.

2 Though, the respondents are duly served, no one appeared on behalf of them when the matter called out.

Later on,

3 Mrs. Sucheta Mirashi appeared on behalf of respondents insurance company and seeks adjournment.

4 It is to be noted that the present Civil Application is of year 2010. Considering this fact, the request is refused.

5 This application is preferred by original claimants for withdrawal of amount deposited by the

respondent insurance company.

6 The learned counsel for the applicants submits that in the accident applicants lost their 17 years old son who was studying in 10th Standard in High School at Shivthar. Hence, they preferred M.A.C.P. No. 450 of 2003 before the M.A.C.T., Satara. The Petition was decided by the Tribunal by judgment and award dated 05.04.2008 holding that applicants are entitled for compensation of R.6,00,000/- with 8% interest per annum.

7 Being aggrieved by the said award, the respondent insurance company preferred First Appeal no. 1588 of 2010. He submits that pursuant to the order passed by this court, the insurance company deposited the entire decretal amount in the Tribunal. He submits that the First Appeal stands dismissed vide Court's conditional order dated 20.12.2010. Till today the appellant insurance company has not taken any steps to restore the First Appeal no. 1588 of 2010.

8 Considering this fact, I am of the opinion that applicants have made out case for allowing them to withdraw amount without furnishing any security towards satisfaction of the award dated 05.04.2008.

9 Hence, the following order.

- i) Civil Application is allowed.
- ii) Applicants claimants are entitled to

withdraw amount towards the satisfaction of the Award dated 05.04.2008 without furnishing any security.

iii) If there is excess amount that to be refunded to the Insurance Company.

iv) Civil Application is disposed of accordingly.

(K.K.TATED, J.)