

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.3504 OF 2014
IN
FIRST APPEAL NO.16 OF 2015

Mr.Dondu Lakshaman Gavde & Ors. ... Applicants

IN THE MATTER BETWEEN:

The New India Assurance Co. Ltd. ... Appellant

Vs.

Dondu Lakshaman Gavde & Ors. ... Respondents

Mr.A.M. Gokhale for the Applicant
Mr.S.M. Dange for Respondent Nos.1 to 6

CORAM: MRS.MRIDULA BHATKAR, J.

DATE: 11th SEPTEMBER, 2015

P.C.:

1. The application is moved for withdrawal of the decretal amount. Mr.Gokhale, appearing for the applicants, submits that the applicant Nos.1 and 2 are old parents of the deceased. Further, Applicant No.6 is an unmarried sister of the deceased. He submits that the applicants be allowed to withdraw the entire amount of the award as till today, they did not receive any amount.

2. The appellant insurance company has challenged the award on the ground of employee-employer relationship. Mr.Dange, the learned Counsel

for the insurance company, submits that the appellant insurance company has a good case on merits. The award is of Rs.4,45,420/-. The insurance company has deposited Rs.7,51,000/- alongwith interest accrued thereon.

3. Heard the learned Counsel for the parties. The appeal is already admitted. It will take its time for final hearing. Hence, the applicant Nos.1 and 2, the parents, and the unmarried sister i.e., applicant No.6, are allowed to withdraw Rs.1 lakh each, subject to an undertaking to be furnished by them to the satisfaction of the Tribunal. The remaining amount be invested in a fixed deposit with any nationalised bank.

4. Civil Application is disposed of accordingly.

(MRIDULA BHATKAR, J.)

CERTIFICATE

Certified that this Judgment/Order uploaded is a true and correct copy of original signed Judgment / Order.