

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

**CIVIL APPLICATION NO. 169 OF 2015  
IN  
REJECTED CASE NO. 593 OF 2012  
IN  
FIRST APPEAL (ST) NO. 16271 OF 2010**

Smt. Priyanka Vasant Gunjal & Ors. ... Applicants  
V/s.  
National Insurance Company Ltd. ... Respondent  
-----

Mr. Sai Chaugule i/b S.S. Deshmukh for the applicants.  
Ms. Poonam Mittal for the respondent.

**CORAM : K. K. TATED, J.  
DATED : 16/01/2015.**

**PC.:**

. Heard learned Counsel for the parties.

2 This application is preferred by original claimants for withdrawal of amount of Rs.5,43,987/- deposited by Appellant Insurance Company pursuant to the order dated 02.07.2010 passed by this Court in Civil Application no. 2360 of 2010.

3 The learned counsel for the applicant submits that the above mentioned First Appeal stands dismissed by order dated 14.12.2010 passed by this Court. He further submits that till today the judgment and award passed by the Tribunal was not executed by them. He further submits that the Appellant deposited the above mentioned amount in this Court towards the judgment and award passed by the

Tribunal. He submits that in view of disposal of the Appeal preferred by the Insurance Company, applicant may be allowed to withdraw the said amount along with accrued interest, if any, without furnishing any security.

4 Considering the submissions made by learned counsel for the applicant, averments made in civil application and as per the order passed by the Tribunal, I am satisfied that applicant has made out the case for allowing the civil application.

5 It is to be noted that the original claimant no.2 is minor, hence his share required to be invested in any nationalised bank initially for the period of three years and same to be continued till he attains majority.

6 Hence, the following order.

i) The Registry is directed to invest the sum of Rs.40,000/- in the name of original claimant no.2 Master Heramb Vasant Gunjal in fixed deposit of any nationalised bank initially for the period of three years and same to be continued till attaining majority. Thereafter, original claimant no.2 is entitled to withdraw the entitled amount without furnishing any security.

ii) The original claimant no.3 Shri. Sakharam Laxman Gunjal and claimant no.4 Mrs. Krishnabai Sakharam Gunjal are entitled to withdraw the sum of Rs.1,00,000/- each along with

interest without furnishing any security.

iii) Applicant original claimant no.1 Smt. Priyanka Vasant Gunjal is entitled to withdraw remaining amount without furnishing any security.

7 Civil application is disposed of accordingly.

**(K.K.TATED, J.)**