

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

CIVIL APPLICATION NO.3299/2014
IN
FIRST APPEAL NO.1348/2013

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. U. B. Nighot for the Applicant
None for the Appellant.
Mr. T. R. Yadav for Respondent No.6.

CORAM : K. K. TATED, J.
DATE : JULY 31, 2015

P.C.:

1. Heard. This Application is preferred by the claimant for withdrawal of the amount deposited by the Appellant in the Tribunal.

2. The learned counsel for the Applicant submits that in an accident which occurred on 09/03/2009 the Applicant's son Sachin Balu Pokharkar died. On the date of accident he was 20 years old. Therefore, the claimants filed Application under section 166 of the Motor Vehicles Act claiming compensation of Rs.14 lacs. He submits that the Tribunal, by the impugned award dated 24/08/2012 awarded sum of Rs.7,71,000/- with interest by way of compensation.

3. The learned counsel for the Applicant submits that this court, by order dated 11/03/2015 allowed the Applicant to withdraw 40% amount without furnishing any security. He submits that the said order was passed subsequently. Hence, same was not placed on record in the Civil Application. He submits that the Applicant may be allowed to withdraw the remaining amount deposited by the Appellant in the Tribunal.

4. It is to be noted that in the present proceedings the appeal filed by the Insurance Co. is already admitted by this court. This court already allowed the Applicant to withdraw 40% amount deposited by the Appellant without furnishing any security.

5. Considering the submissions made by the learned counsel for the Applicant and the earlier order passed by this court by which the Applicant is allowed to withdraw 40% amount, I am of the opinion that the remaining amount can be allowed to withdraw by the Applicant by furnishing a bank guarantee of any Nationalized Bank.

6. Hence, following order is passed:

- a. The Applicant claimants are entitled to withdraw the remaining amount by furnishing a bank guarantee of any Nationalized Bank.
- b. Bank guarantee to be kept in force till hearing and final disposal of the First Appeal
- c. Civil Application stands disposed off accordingly.

JUDGE