

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
APPELLATE SIDE
NAGPUR BENCH, NAGPUR

CIVIL APPLICATION (CAF) NO. 439 OF 2015
IN
FIRST APPEAL NO. 446 OF 2013

National Insurance Co. Ltd. Amravati Vs. Suchita wd/o Dhananjay Khune & Ors.

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Office Notes, Office Memoranda of Coram,
appearances, Court orders or directions
and Registrar's orders

Court's or Judge's Order

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Shri S. S. Sawarkar Adv for applicants.
Shri A. R. Godbole Adv for non applicant.

CORAM: A. S. CHANDURKAR J.

DATED: MARCH 17, 2015.

This application is moved by the original claimants seeking permission to withdraw the amount deposited by the applicant-Insurance Company.

By the impugned award the claimants have been granted compensation for a sum of Rs. 11,80,000/-. Out of said amount 50% has been directed to be invested in the name of claimant no. 2 who is the minor daughter. A prayer is made that the claimants be permitted to withdraw atleast 75% of the amount of compensation.

The application is opposed by the original appellant

on the ground that amount as awarded towards compensation is on a higher side and further 50% of said amount has been directed to be deposited in the name of minor daughter.

Considering the nature of award as passed by the Claims Tribunal, the claimants are permitted to withdraw 50% of the amount of compensation that has been deposited by the original appellant in this Court. However, the claimant no. 1-mother shall furnish an undertaking within a period of 4 weeks from today that in case the appeal is allowed she shall refund the amount of compensation along with suitable interest that may be directed by the Court while deciding the appeal. Subject to aforesaid the original claimants are permitted to withdraw 50% of the amount of compensation deposited in this Court.

The remaining 50% amount shall be invested in fixed deposit account initially for a period of two years. Civil application stands disposed of.

JUDGE