

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, AT NAGPUR.**

FIRST APPEAL NO.1203 OF 2013

(National Insurance Co. Ltd., Secunderabad, Branch at Nagpur ..vs.. Zanak s/o Jaypal Morasiya and others)

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

Court's or Judge's orders

Shri A.W. Paunikar, Advocate for the appellant,
Shri Asghar Hussain, Advocate for the respondent Nos.1 to 4,
None for the respondent No.5.

CORAM : Z.A. HAQ, J.

DATED : 06-1-2015

Heard Shri A.W. Paunikar, the learned Advocate for the appellant and Shri Asghar Hussain, the learned Advocate for the respondent Nos.1 to 4.

None appears for the respondent No.5.

Admit.

Shri Asghar Hussain, the learned Advocate, waives service of notices on behalf of the respondent Nos.1 to 4.

Civil Application (CAF) No.1116 of 2013.

The appellant has deposited the amount as per the Award with the Registry of this Court. Considering the facts of the case, in my view, the claimants can be permitted to withdraw 50% of the amount deposited by the appellant as per the Award passed by the Tribunal, taking into consideration entitlement of each of the claimants. The balance of the amount deposited by the

appellant shall be fixed in a Nationalised Bank initially for a period of three years and it shall be renewed every year till the decision of the appeal.

The claimants are at liberty to recover 50% of the balance amount, if so advised from the respondent No.5.

The civil application is disposed in the above terms.

JUDGE

pma