

FARAD CONTINUATION SHEET No.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

C.A.F. NO. 3316/2014 IN FIRST APPEAL NO. 1030/2014

(BHARTI AXA GENERAL INSURANCE CO. LTD. NAGPUR **VERSUS** GAUKARNABAI MAHADEORAO
BHARSAKDE & 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.J. Pophaly, counsel for the appellant.
Shri P.R. Agrawal, counsel for the R-1 & 2.

CORAM : B.R. GAVAI AND
MRS. MRIDULA BHATKAR, JJ.

DATE : FEBRUARY 2, 2015.

This is an application for permission to withdraw the amount of Rs.42,28,274/- as deposited by the appellant with the Registry of this Court.

The applicant no.1 is the mother of the deceased and the applicant no.2 is the sister, who is now married.

The application is opposed by the learned counsel for the appellant on the ground that there is an issue regarding contributory negligence and as such amount deposited by the appellant should not be permitted to be withdrawn.

Taking into consideration the objection regarding contributory negligence taken by the appellant, we find that the applicant no.1 would be entitled for 50% of the amount deposited by the appellant.

In that view of the matter, we permit the applicant no.1 to withdraw an amount of Rs.20,00,000/- (Rupees Twenty Lacs only) on furnishing an undertaking that in the event, she is required to repay any amount, she will do so as per the directions of the Court.

The civil application is allowed in the aforesaid terms and disposed of.

JUDGE

JUDGE

APTE