

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

CIVIL APPLICATION (CAF) NO.3155 OF 2014

IN

FIRST APPEAL NO.1106 OF 2010

(National Insurance Company Ltd. ..vs.. Mrs. Sheela wd/o Prakash Gawai 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 Shashikant Borkar, Advocate for the appellant,
Shri S. Saoji, Advocate for the respondent Nos.1 to 5.

CORAM : Z.A. HAQ, J.

DATED : 25-02-2015

This Court by the order dated 12-12-2014 permitted the respondent Nos.1 to 5 to withdraw 50% of the amount deposited by the appellant-Insurance Company. Shri Saoji, the learned Advocate, who represented the respondent Nos.1 to 5, submits that before the amount could be withdrawn, the respondent No.5 has expired and there are no other legal representatives of the respondent No.5 except the respondent Nos.1 to 4.

The Tribunal, by the impugned Award, has held that the respondent Nos.2 and 3 are not entitled for the amount of compensation. The respondent Nos.1 and 4 are permitted to withdraw 50% of the amount deposited by the appellant-Insurance Company in equal proportion.

The balance amount be kept in fixed deposit in a Nationalised Bank initially for the period of three years, to be renewed till the decision of the appeal.

The civil application is allowed in the above terms.

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In view of the submission made by Shri Saoji, the learned Advocate for the respondent Nos.1 to 5 that the respondent Nos.1 to 4 are the only legal representatives of the respondent No.5, on oral request made by Shri Shashikant Borkar, the learned Advocate for the appellant, the appellant is permitted to delete the name of the respondent No.5.

JUDGE

pma