

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

CIVIL APPLICATION (CAO) NO.1693 OF 2014

IN

CIVIL APPLICATION (CAF) NO.2806 OF 2014

IN

FIRST APPEAL STAMP NO.19343 OF 2014

(The New India Assurance Co.Ltd., through the Divisional Manager, Nagpur ..vs.. Najma Begum wd/o
Abdul Nasim and others)

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

Court's or Judge's orders

CORAM : Z.A. HAQ, J.

DATED : 16-1-2015

Heard Shri Asghar Hussain, the learned Advocate for the applicants-respondent Nos.1 to 5 and Shri A.A. Khandare, the learned Advocate h/f Shri S. Sanyal, the learned Advocate for the appellant.

The appellant has deposited Rs.31,53,828/- pursuant to the order passed by this Court on 10-10-2014. The respondent Nos.1 to 5-claimants have filed the civil application praying that the respondent No. 1-widow of the deceased be permitted to withdraw Rs.8,00,000/-. The Tribunal permitted the respondent No.1 to withdraw Rs.1,00,000/- and directed that the remaining amount of Rs.6,00,000/- awarded as compensation to the respondent No.1 be invested in fixed deposit. However, considering the fact that the respondent No.1 has the liability of maintaining three sons, aged about 15 years, 14 years and 13 years, the

prayer as made on behalf of the respondent Nos.1 to 5 is granted. The respondent No.1 is permitted to withdraw Rs.8,00,000/- from the amount deposited by the appellant.

The civil application is disposed in the above terms.

Civil Application No.2807 of 2014.

This is an application filed by the appellant praying for interim order. This Court by the order dated 10-10-2014 has granted interim stay on condition that the appellant shall deposit the entire amount as per the Award with the Registry of this Court within six weeks. Shri Asghar Hussain, the learned Advocate for the respondent Nos.1 to 5 submits that the appellant has not deposited the entire amount as per the impugned Award.

I have passed order on Civil Application No. 1693/2014 permitting the respondent No.1 to withdraw Rs.8,00,000/- from the amount deposited by the appellant. The Registry shall invest the balance amount in fixed deposit in a Nationalised Bank initially for the period of three years, to be renewed every year till the decision of the appeal. The appellant is granted time till 16-3-2015 to deposit the balance amount. If the balance amount is deposited within the stipulated time, it shall also be invested in fixed deposit in a Nationalised Bank initially for the period of three years, to be renewed every year till the decision of the appeal.

If the balance amount is not deposited within the stipulated time, the appeal shall stand dismissed without reference to the Court and the respondent Nos.1 to 5-claimants would be entitled to withdraw the amount deposited by the appellant and proceed with the execution for recovery of the balance amount.

The civil application is disposed in the above terms.

JUDGE

pma