

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

913 CIVIL APPLICATION NO. 4159 OF 2016
IN FA/2776/2013 WITH CA/4160/2016 IN FA/2777/2013

NIKITA HARSH NAVGIRE
VERSUS
THE NATIONAL INSURANCE CO. LTD.

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Advocate for Applicant : Mr. Thole V.I.
Mr. AD Soman, Adv. h/for Mr. D V Soman For R/1

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CORAM : P.R.BORA, J.

DATE : 1st April, 2016.

PER COURT :

- 1) Original Claimant No.3 in MACP No.513/2004 and 514/2004 has filed the present applications seeking permission to withdraw an amount of Rs.1,42,224/- allotted to her share and deposited in the Fixed Deposit Receipt (FDR).
- 2) Learned Counsel appearing for the applicant submitted that the Insurance Company had preferred appeals against the Award passed in both the aforesaid MACPs. Both the appeals have been dismissed by this Court. Learned Counsel further submitted that out of the three

claimants, two applicants, after having attained the age of majority, were permitted to withdraw the amount of their share and accordingly the same has been withdrawn. Since the present applicant was minor at the relevant time, the amount was not disbursed to her and directed to be kept in Fixed Deposit Receipt. The learned Counsel submits that now the applicant has also attained the age of majority and seeking withdrawal of the amount which has been deposited in FDR.

3) The learned Counsel appearing for the insurance company has no objection to permit the present applicant to withdraw the said amount. Along with the present application, a copy of the Birth Certificate is also placed on record, from which it is clear that the applicant has indeed attained the age of majority.

4) In view of the above, the present applications deserve to be allowed. Hence, the following order,

ORDER

i) The amount deposited in the FDR along with the interest accrued thereon be permitted to be withdrawn by the present applicant.

ii) The Civil Applications stand disposed of.

(P.R.BORA)
JUDGE

bdv/