

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**CIVIL APPLICATION NO.555 OF 2015
IN
FIRST APPEAL NO.1255 OF 2010**

Subhash Bhagwan Shinde and Others .. Applicants

In the matter between :

United India Insurance Co. Ltd .. Appellant

V e r s u s

Shri Subhash Bhagwan Shinde and Others .. Respondents

Mr. V.R. Garad for the Applicants/Respondents.

Mr. K.N. Kandekar for the Appellant.

CORAM : K.K. TATED, J.

DATE : 18 FEBRUARY 2016.

P.C. :

1 Heard the learned Counsel appearing for the Applicants. This application is preferred by the claimants for withdrawal of the remaining amount deposited by the Appellant-Insurance Company in the present proceedings. The Tribunal by judgment and award dated 26 May 2010 awarded a sum of Rs.5,00,000/- by way of compensation. Out of the said amount, the Applicants have already withdrawn a sum of Rs.3,50,000/- from time to time.

2 The learned Counsel appearing for the Applicant submitted that the

Applicant required the remaining amount for her medical treatment, as per the certificate dated 7 January 2014 (Exhibit 'B') issued by Dr. Bharat J. Gaikwad in the name of Veemal Subhash Shinde (Applicant No.2). The learned Counsel for the Appellant after taking the instruction from the Applicant No.1, who is present in the Court, made a statement that the Applicants are ready and willing to provide bank guarantee of any Nationalised Bank for withdrawal of the remaining amount.

3 Considering the submissions made by the learned Counsel for the Applicants and as the Applicants are ready and willing to provide a bank guarantee of any Nationalised Bank for withdrawal of the remaining amount, I am satisfied that the Applicants have made out a case for allowing this Civil Application. Hence, the following order.

: O R D E R :

{A} Applicants are permitted to withdraw the remaining amount as per prayer clause-(a) by providing the bank guarantee of any Nationalised Bank to the satisfaction of the Tribunal. Clause-(a), which reads as follows:

“This Hon'ble High Court may be pleased to allow this application to withdrawal the compensatory amount award dated 26.05.2010 passed by MACT, Solapur.”

{B} Applicants to renew the bank guarantee one month in advance from due date till the hearing and final disposal of the First Appeal.

{C} If the amount is not withdrawn within six weeks from today, by providing the bank guarantee as stated hereinabove, the Civil Application shall stand dismissed, without referring back to this Court.

{D} Civil Application is disposed of accordingly.

(K.K. TATED, J.)