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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.4256 OF 2016
IN
FIRST APPEAL (ST) NO.15003 OF 2011.

Lalitabai Babu Chavan and ors ... Applicants.

In the matter of

National Insurance Ltd. Appellant

V/s.

Lalitabai Babu Chavan and ors Respondents

Mr. Rahul Mehta I/by KMC Legal Venture, for the Appellant.

Mr. A. M. Gokhale, for the applicants.

CORAM : DR. SHALINI PHANSALKAR-JOSHI, J.

DATE : 24TH OCTOBER, 2016.

P.C. :

1. This application seeking withdrawal of the amount of compensation as deposited by the Insurance Company in the Tribunal. It is submitted that the deceased was the only earning member of the family of the claimants. On account of his death, applicant No.1 widow and applicant Nos 2 to 4 minors are having no source of income and hence for their survival, they need some money. Therefore, these applicants be

allowed to withdraw the entire amount of compensation deposited by Insurance Company.

2. Learned counsel for appellant opposed the application, on the ground that the award is challenged on both the counts i.e. negligence on the part of deceased and on the count of quantum of compensation.

3. Considering that appeal is not likely to be heard immediately and having regard to the needs of the applicants, applicants are permitted to withdraw 50% of the amount of compensation as deposited by the Insurance Company in the Tribunal subject to furnishing of usual undertaking but without insisting on any security.

4. Application is disposed of accordingly.

[DR. SHALINI PHANSALKAR JOSHI, J.]