

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.3443 OF 2016
IN
FIRST APPEAL NO.1359 OF 2014

National Insurance Co. Ltd. .. Applicant

In the Matter of:

National Insurance Co. Ltd. .. Appellant

-Versus-

Smt. Housabai Shivaji Savant & Ors. ..Respondents

Mr. Bhushan Walim i/b. Preeti Walimbe for applicant/orig.respondents

CORAM : DR. SHALINI PHANSALKAR-JOSHI, J.

DATE : 30th August 2016.

P.C.

1] This application is preferred by the original claimant seeking withdrawal of the amount of compensation which is deposited by the appellant, insurance company in M.A.C.T. Sangli as per the order passed by this Court on 18th December 2014.

2] It is submitted that the applicants are the only legal heirs of the deceased. They are having no other source of income as they were dependent totally on the income of the deceased. The applicant No.1 is

the widow and applicant No.2 is the son of the deceased. None present on behalf of contesting respondent, though duly served with the notice on 28th August 2015 itself.

3] In view thereof, considering the need of the applicants and the fact that the appeal is not likely to be heard in near future, applicants are permitted to withdraw the entire amount of compensation, subject to condition that the applicants shall furnish security for 50% of the amount to the satisfaction of the tribunal and also furnish usual undertaking that they will return the entire amount along with interest in case the decision in appeal goes against them.

(Judge)