

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

FIRST APPEAL NO.490 OF 2013

New India Assurance Co. Ltd. Thr. its Branch Manager, Nagpur.

-vs-

Vimalabai wd/o Parvatrao Haste and ors.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Shri M. M. Sudame, Advocate for appellant.
Ms Pathade, Advocate for respondent Nos.1 to 3.

CORAM : A.S.CHANDURKAR, J.
DATE : MARCH 29, 2016

Heard. Admit.

Call for record and proceedings.

Ms Pathade, learned counsel waives notice on behalf of
respondent Nos.1 to 3.

C.A.F. No.2007 of 2013

As the applicant has deposited the entire decretal amount, the *ad interim* stay granted on 16/07/2013 shall operate as interim stay during pendency of the appeal. Civil application is disposed of.

C.A.F. No.1225 of 2016

The claimants have filed the present application for permission to withdraw the amount of compensation as awarded by the Motor Accident Claims Tribunal, Nagpur.

Perused the impugned judgment. The deceased who was a pedestrian was hit by the offending vehicle which has resulted in a fatal accident. The application is opposed by

the learned counsel for the Insurance Company.

In the facts of the case, the claimants are permitted to withdraw 50% of the amount deposited by the original appellant in this Court subject to the claimants filing an undertaking in this Court that in case the appeal is allowed, the amount withdrawn shall be repaid with interest at such rate the Court may direct. The remaining amount shall be invested in fixed deposit. Civil application is disposed of.

JUDGE