

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

C.A.F. No. 1769/2021
in
FIRST APPEAL NO. 530/2004

Maroti Warsaji Watmode and anr...Versus... Laxman Natthuji Mandhare and ors

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

Court's or Judge's orders

Mr.Aniket Rangari, Advocate h/f Mr. Amol Mardikar, Advocate for
applicant/appellants.
None for Respondent No.5

CORAM : AVINASH G. GHAROTE, J.
DATE : 12/10/2021

C.A.F. No. 1769/2021

Heard Mr. Aniket Rangari, learned counsel for applicant. Mr. Dhanagare learned counsel for Respondent No.5 is absent.

By this application, the amount of Rs. 1,08,300/- deposited in this Court is sought to be withdrawn by the applicant along with accrued interest, in view of the observations in para 6 of the judgment dated 5.4.2016 in First Appeal No. 530/2004, which has specifically permitted the applicant to withdraw the amount along with interest, by observing that the claimant would be at liberty to recover the entire amount of compensation in terms of the awards passed by the Tribunal from the Insurance Company.

A pursis has been filed on record bearing Stamp No. 5/2021, wherein it is stated that the original claimant has instituted Darkhast Proceedings No. 1129/2019 against the Insurance Company for recovering the compensation as awarded.

That being the position, I do not see any impediment in allowing the application. The same is accordingly allowed.

JUDGE

rvjalit