

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

CIVIL APPLICATION (F) NO.1588 OF 2016
IN
FIRST APPEAL NO.351 OF 2015

THE NEW INDIA ASSURANCE CO. LTD. NAGPUR
VS
NAJMA BEGUM WD/O ABDUL NASIM AND OTHERS

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

Court's or Judge's orders

Shri S. Sanyal, Advocate for the appellant.
Shri Asghar Hussain, Advocate for the respondent Nos.1 to 5.

CORAM : A.S. CHANDURKAR, J.
DATED : MAY 05, 2016.

By this application, the claimants seek permission to withdraw the amount of compensation deposited by the appellant. In the application, it is stated that the respondent No.1 desires to purchase a plot in the name of the respondent Nos.2 to 4 and hence, the permission be granted.

The application is opposed by the learned Counsel for the appellant on the ground that by an order dated 16-1-2015 an amount of Rs.8,00,000/- was permitted to be withdrawn. By the subsequent order dated 8-10-2015, an amount of Rs.2,00,000/- was permitted to be withdrawn in favour of respondent No.5. It is submitted that the appellant has a good case on merits and hence, the prayer cannot be granted.

Perused the judgment of the Claims Tribunal as well as the earlier orders dated 16-1-2015 and 8-10-2015. Considering the averments made in the application, the respondent Nos.1 to 4 are permitted to withdraw an amount

of Rs.5,00,000/- subject to furnishing an undertaking that in case the appeal is allowed, the said amount shall be repaid with interest at such rate the Court may direct. The rest of the amount be invested in fixed deposit.

Civil application is disposed of.

JUDGE

/MULEY/