

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

FIRST APPEAL NO.782 OF 2015

(THE STATE OF MAHARASHTRA THR. COMMISSIONER OF POLICE...VS..SMT. KANCHAN ATUL
PANDE & OTH.)

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

Court's or Judge's orders

Shri S.B.Bissa, A.G.P. for appellant.
Shri G.R.Kothari,adv.h/f.Shri V.R.Chaudhari,adv for Resp. No.1.
Shri S.C.Bhalerao, advocate for Respondent No.2.

CORAM : Z.A.HAQ, J.

DATED : AUGUST 22, 2016.

CAO NO. 1005/2015

After considering the submissions made by the learned advocates for the respective parties and the facts on record, specially that the respondent No.2-mother of the deceased is aged about 75 years and is not having any other son and her daughters are married, the respondent No.2 is permitted to withdraw Rs.5,00,000/- unconditionally. In addition, the respondent No.2 shall be given interest which accrues on her share deposited in nationalized bank, in January and July every year till disposal of the appeal.

The civil application is **allowed** accordingly.

CAF NO. 3154/2015.

It is undisputed that the respondent No.1 has re-married.

The learned advocate for the respondent No.1, relying on the judgment given by this Court in the case of *New India Assu. Co. Yavatmal Vs. Mona*, reported in **2009(6) Mh.L.J. 728**, has submitted that the claim of the respondent No.1 is not affected because of her re-marriage. The submission will have to be considered at the time of final hearing. At this stage, the prayer made by the respondent No.1 seeking permission to withdraw the amount is not granted.

The civil application is **dismissed**.

JUDGE

RRaut..

CERTIFICATE

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