

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

Civil Application [CAF] No.2379 of 2016
in
First Appeal No.434 of 2016

(Shriram General Insurance Co. Ltd.
vs.
Smt. Chhaya Pramodrao Rajnekar and others)

=====

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

=====

Court's or Judge's Orders

Shri S.S. Alaspurkar, Advocate for the Applicant/Respondent Nos.1 to 3.
Ms. Swapna Jog, Adv. h/f Shri P.R. Agrawal, Adv. for Respondent No.5.

CORAM : S.B. SHUKRE, J.
DATE : 30th NOVEMBER, 2016.

Heard the learned Counsel for the applicant/
respondent Nos.1 to 3 and the learned Counsel for respondent
No.5. None appears for the appellant as well as respondent
Nos.4, 6 and 7.

The appellant has deposited in this Court an
amount of Rs.6,18,660/-. As per the award, respondent No.1
has been granted 50% share and respondent Nos.2 and 3 have
been granted 25% share each in the said amount. Respondent
No.2 is a major, who has not signed this application. This
application is signed only by respondent No.1 on behalf of her
two sons i.e. respondent Nos.2 and 3.

As respondent No.2 has not signed this
application, who is a major, this application can be taken as

filed on behalf of respondent No.1 and her minor son i.e. respondent No.3.

In view of the apportionment of the shares in the decretal amount by the tribunal and the grounds of appeal, I am of the view that the interest of justice would be met if this respondent is permitted to withdraw an amount of Rs.3,00,000/- on behalf of herself as well as her minor son i.e. respondent No.3 against her furnishing an undertaking to the effect that in the event of any adverse order being passed against the claimant, she shall refund this amount together with accrued interest within four weeks from the date of such an order. Undertaking to be furnished within three weeks from the date of the order.

The application is disposed of. Liberty to file a fresh application by or on behalf of respondent No.2 is granted.

*sdw

JUDGE