

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

CIVIL APPLICATION (CAO) NO.1445 OF 2016

IN

CIVIL APPLICATION NO.807 OF 2016

IN

FIRST APPEAL NO.380 OF 2014

(New India Assurance Co. Ltd. ..vs.. Smt. Sangita Rajubhau Sose 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 Mahesh Joshi, Advocate for the appellant,
Shri Mahesh Rai, Advocate for the respondent Nos.1,2,3,5 & 6.

CORAM : Z.A. HAQ, J.

DATED : 04-10-2016

The appellant/Insurance Company deposited Rs.20,22,721/- on 12-06-2014 and Rs.25,41,888/- on 30-06-2016. By the order dated 29-04-2016, this Court permitted the claimants to withdraw the amount which was deposited on 12-06-2014 i.e. permitted the claimants to withdraw Rs.20,22,721/-.

Shri Mahesh Rai, Advocate who appears for the claimants (respondent No.1,2,3,5 & 6) states that there is dispute amongst the claimants regarding apportionment of amount and therefore, the present civil application is filed.

Considering the proportion in which the Tribunal directed apportionment of amount and the order passed by this Court on 29-04-2016, following order is passed :

(i) The respondent Nos. 5 and 6 (parents of deceased) be given Rs.2,00,000/- each.

(ii) The respondent No.1 (widow of deceased) is permitted to withdraw Rs.10,00,000/-.

(iii) Though in the order dated 29-04-2016 it is recorded that the claimants are permitted to withdraw the amount deposited by the appellant, as the respondent Nos.2 and 3 are minors, the order has to be read to mean that after withdrawal of the amount, that amount will have to be kept in fixed deposit until they become major. If the amount is to be kept in fixed deposit until the respondent Nos.2 and 3 become major, in my view, the amount can be continued in fixed deposit in a nationalised bank through the registry of this Court. The respondent Nos.2 and 3 will be at liberty to file application seeking withdrawal of the amount after they become major or if any contingency arises.

(iii) The amount of Rs.25,41,888/- deposited by the appellant on 30-06-2016 shall also be continued in fixed deposited in a nationalised bank, until further orders.

(iv) The other conditions imposed by the order dated 29-04-2016 shall be abided.

The civil application is disposed in the above terms.

JUDGE

adgokar

CERTIFICATE

I certify that this Order uploaded is a true and correct copy of original signed Order.

Uploaded by : P.M. Adgokar.

Uploaded on : 05-10-2016.

P.A. to Hon'ble Judge.