

Atul

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO. 157 OF 2017
IN
FIRST APPEAL (ST) NO. 32743 OF 2015

Bhagyashre Abhinay Kulkarni & Ors	...Applicants
<i>Versus</i>	
The Oriental Insurance Co Ltd through Mumbai Regional Office-2	...Respondent

Mr SS Jinsiwale, *for the Respondent.*
Mr Anilkumar K Patil, *for the Applicants.*

CORAM: G.S. PATEL, J
DATED: 11th July 2017

PC:-

1. This is a Civil Application seeking withdrawal of the amount deposited. The total amount awarded is Rs. 29,78,000/- with interest, totalling to Rs. 41,91,514/-. The principal challenge is on the ground of quantum.

2. In view of the fact that the claim arises from a fatal accident, I will permit the Applicants withdrawal of 50% of the amount without security but on furnishing an appropriate undertaking. The MACT Nashik will act on production of an authenticated copy of this order.

3. The statutory deposit amount of Rs. 25,000/- is also to be transferred to the MACT Nashik.
4. If not already done, the remaining amount and the statutory deposit amount of Rs. 25,000/- will be deposited in a fixed deposit with any nationalized bank.
5. This order is without prejudice to the Respondents' right to apply for further withdrawal.
6. The Civil Application is disposed of in these terms with no order as to costs.

(G. S. PATEL, J)