

IN THE HIGH COURT OF JUDICATURE AT BOMBAY:
NAGPUR BENCH : NAGPUR
Civil Application [CAF] No.110 of 2017
IN
First Appeal No.684 of 2011
[United India Insurance Co. Ltd. Vs. Chandrakala Ghansham
Behaniya & others]

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

Court's or Judge's orders

Ms. Pathade, Adv., for respondent nos. 1 to 4 and 6.
Mr. B. Lahiri, Adv., for the appellant.

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CORAM : A. S. CHANDURKAR, J.

DATE : 15th February, 2017

By this application, the claimants seek permission to withdraw the amount of compensation deposited by the appellant.

By order dated 10th July, 2012, this Court had directed payment of interest on the amount deposited to the original claimants on monthly or quarterly basis. Thereafter, Civil Application No. 3340 of 2016 filed by the applicants was rejected on the ground that no changed circumstances were pointed out.

In the present application, it has been stated that the marriage of respondent no.3 is scheduled on 27th April, 2017 and for the said purpose, the claimants be permitted to withdraw the amount deposited by the

appellant.

The application is opposed by the learned counsel for the appellant on the ground that there is a breach of policy conditions.

Perused the impugned judgment, especially paragraphs 11 to 13 thereof.

In the facts of the case, the claimants are permitted to withdrawn amount of Rs.2,00,000-00 [rupees two lakhs only], subject to filing an undertaking that in case the appeal is allowed, the said amount shall be repaid with interest at such rate the Court may direct. Rest of the amount shall remain invested in fixed deposit.

Civil Application is disposed of.

Judge

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