

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

CIVIL APPLICATION (CAF) NO.229 OF 2017
IN
FIRST APPEAL NO.599 OF 2015

The United India Insurance Company, Thr. Branch Manager, Khamgaon, Dist. Buldhana

-vs-

Mohan Vinayak Gaikwad and ors.

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

Court's or Judge's Orders.

Ms M. S. Naik, Advocate for appellant.

Shri S. P. Pawar, Advocate for respondent Nos.1 to 3/applicants

Ms Priyanka Gaikwad, Advocate h/f Shri P. S. Kshirsagar, Advocate for
respondent No.5

CORAM : A.S.CHANDURKAR, J.

DATE : February 09, 2017

The claimants seek permission to withdraw the amount of compensation deposited by the appellant.

The application is opposed by the learned counsel for the appellant on the ground that the claim as made was under 163A of the Motor Vehicles Act, 1988 and the facts on record indicate that on being a third party claim, the Claims Tribunal was not justified in awarding the compensation.

Perused the judgment of the Claims Tribunal and especially the observations in paragraph 10 thereof.

Accordingly, respondent Nos.1 and 2 who are parents of the deceased are permitted to withdraw amount of Rs.1,50,000/- each while respondent No.3 is permitted to withdraw Rs.1,00,000/-. Same is subject to each respondent filing an undertaking that in case the appeal is allowed, said amount shall be repaid with interest at such rate the Court may direct. The remaining amount shall be invested in Fixed

Deposit.

Civil application is allowed and disposed of.

JUDGE