

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

CIVIL APPLICATION (CAF) NO.884 OF 2017
IN
FIRST APPEAL ST. NO.9619 OF 2015

National Insurance Co. Ltd.
-vs-
Indubai Ramesh Balpande and ors.

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

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Court's or Judge's Orders.

Shri D. N. Kukday, Advocate for appellant/applicant in CA-2654/16.
Shri M. R. Johrapurkar, Advocate for respondent Nos.1 to
4/applicants in CA 884/17.

CORAM : A.S.CHANDURKAR, J.
DATE : March 24, 2017

The claimants seek permission to withdraw the amount of compensation deposited by the appellant. In the application it is stated that the liability for paying the amount of compensation has been fixed to the extent of 75% on the appellant and 25% on respondent No.9. It is further stated that in the appeal preferred by respondent No.9, respondent No.1 has been permitted to withdraw an amount of Rs.2,25,000/- and respondent No.4 has been permitted to withdraw an amount of Rs.50,000/- It is therefore prayed that the claimants be permitted to withdraw the amount of compensation.

The application is opposed by the learned counsel for the appellant on the ground that enhancement is on a higher side.

Perused the impugned judgment. Considering the nature of evidence on record, the following order is passed :

For the present, the respondent Nos.1 to 3 are permitted to withdraw an amount of Rs.Four lakhs and respondent No.4 is permitted to withdraw an amount of Rs.One lakh subject to each of them filing an undertaking that in case the appeal is allowed, said amount shall be repaid with interest at such rate the Court may direct. Further amount of Rs.Five lakhs is permitted to be withdrawn on furnishing solvent surety/security to the satisfaction of the Registrar (Judicial). The remaining amount shall be invested in Fixed Deposit.

All the amounts are permitted to be withdrawn by respondent No.1 as prayed.

Civil application is allowed and disposed of.

C.A.F. No.2654 of 2016

Await service on the unserved respondents for period of four weeks. These proceedings be tagged along with F.A.No.954/2015.

JUDGE