

IN THE HIGH COURT OF JUDICATURE AT BOMBAY:
NAGPUR BENCH : NAGPUR
Civil Application [CAF] No.1075 of 2017
IN
First Appeal St. No. 1386 of 2017
[The Divisional Manager, National Insurance Co. Ltd. Vs. Shafinjaha
Jakirkhan & others]

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

Court's or Judge's orders

Mr. Palash Mohta, Adv., for applicants – respondent nos 1,5,6 and 7.
Mr. C.A. Anthony, Adv., for the appellant.

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CORAM : A. S. CHANDURKAR, J.

DATE : 15th March, 2017

The claimants seek permission to withdraw the amount of compensation deposited by the appellant. It is submitted that the challenge in the appeal is to the quantum of compensation and according to the appellant, an amount of Rs.15,00,000-00 in excess has been awarded to them.

The application is opposed by the learned counsel for the appellant and it is submitted that the Claims Tribunal has awarded excess compensation to the claimants.

Perused the impugned judgment as well as the prayer made in the appeal.

In view of aforesaid, the claimants are permitted to withdraw amount of Rs.18,85,000-00 [rupees eighteen lakhs eighty-five thousand only] from the amount deposited by the appellant on filing an undertaking that in case the appeal is allowed, said amount shall be repaid with interest at such rate the Court may direct. Remaining amount shall remain invested in a Fixed Deposit.

Civil Application is disposed of.

Judge

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