

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

CIVIL APPLICATION (CAF) NO.1314 OF 2017
IN
FIRST APPEAL NO.1252 OF 2016 (D)

Shriram General Insurance co. Ltd. Sitapura, Jaipur
-vs-
Rahimabi wd/o Ayyub Khan and ors.

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

Court's or Judge's Orders.

Shri H. N. Verma, Advocate for appellant.
Shri S. A. Mohta, Advocate for respondents/applicants.

CORAM : DR S.S. PHANSALKAR-JOSHI, J.
DATE : JUNE 07, 2017

This is an application filed by the original claimants seeking withdrawal of the amount of compensation deposited by the appellant in this Court.

It is submitted that this Court has vide judgment and order dated 17/04/2017 dismissed the appeal and in view thereof the claimants become entitled to withdraw the said amount especially when they are in need of the same.

Learned counsel for the appellant however resists the application on the ground that appellant intends to challenge the judgment and order of this Court in the Honourable Supreme Court and hence seeks four weeks time for the same.

Considering the fact that only 50% amount of total compensation is deposited in this Court and having regard to the fact that respondent Nos.2 to 4 are minor

children taking education and therefore respondent No.1 is in need of the money due to the sad demise of her husband, I do not find any reason to grant such time. This is the month of June wherein new admissions are taking place. Therefore need of respondent No.1 to get the said amount cannot be denied.

The application is therefore allowed. Respondent No.1 is permitted to withdraw 50% of the amount of compensation deposited by the appellant with interest subject to 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 Remaining 50% amount is permitted to be withdrawn on furnishing solvent surety/security.

On the request of learned counsel for the claimants, as respondent No.1 is residing at Akola and she being a lady, office is directed to transfer the entire amount of compensation to the Motor Accident Claims Tribunal at Akola within period of two weeks from today. Solvent surety/security be furnished to the satisfaction of the Tribunal, Akola.

Application is disposed of in above terms.

JUDGE