

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

CIVIL APPLICATION (CAO) NO.1581 OF 2016

IN

CIVIL APPLICATION NO.441 OF 2016

IN

FIRST APPEAL ST. NO.24602 OF 2015

The Branch Manager, The United India Insurance co. Ltd. Bhopal, Thr. Its Authorised signatory

-vs-

Leelabai wd/o Baliram Nagvanshi 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 M. R. Joharapurkar, Advocate for appellant.
Shri Arpit Agrawal, Advocate h/f Shri S.S. Dhengale,
Advocate for respondent Nos.1 to 6.

CORAM : A.S.CHANDURKAR, J.

DATE : March 03, 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 by stating that the Insurance Company is not liable to pay the amount of compensation.

Perused the impugned judgment in which it has been stated that the insurance policy was a Package Policy.

Considering the judgment of the Honourable Supreme Court dated 20/11/2012 in *National Insurance Co. Ltd. vs. Balakrishnan & Anr.*, the claimants are permitted to withdraw an amount of Rs.Four lakhs 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. The remaining amount shall be invested in Fixed Deposit.

Civil application is allowed and disposed of.

JUDGE