

IN THE HIGH COURT OF JUDICATURE AT BOMBAY:
NAGPUR BENCH : NAGPUR
Civil Application [CAO] No.1593 of 2016
IN
Civil Application [CAF] No.2687 of 2015
IN
First Appeal St. No.16454 of 2015
[The National Insurance Co. Ltd. Vs. Smt. Revati Gajanan Nannavare
& others]

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

Court's or Judge's orders

Mr. T. J. Patil, Adv., for applicants – respondent nos. 1 to 4.
 Mr. Collin C. Anthony, Adv., for the appellant..
 Mr. R.D. Bhuibhar, Adv., for respondent no.7.

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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.

The prayer is opposed by the learned counsel for the appellant on the ground that though the Claims Tribunal has held that drivers of both the vehicles had equally contributed to the accident, the entire liability has been saddled on the appellant.

The judgment of the Claims Tribunal is also challenged by the respondent no.7 by filing a separate appeal. In that appeal, by order dated 21st December, 2016, the claimants have been permitted to withdraw an amount of Rs.1,41,000-00.

Considering the nature of evidence on record, the claimants are permitted to withdraw an amount of Rs.5,00,000-00 [rupees five lakhs only] 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. The remaining amount shall remain invested in a Fixed Deposit.

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Civil Appln. Nos.1015 & 1016 both of 2016 :

Heard.

Issue notice to the legal heirs of respondent no.5, returnable on 5th May, 2017.

Judge