

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CIVIL APPLICATION NO.3990 OF 2017
IN FIRST APPEAL NO.1038 OF 2011

(The Oriental Insurance Co. Ltd. vs. Pralhad s/o Tukaram Tatade and others)

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

Shri M.N. Ahmed, Advocate for appellant.

Shri S.P. Pawar, Advocate for respondent nos.2 and 3.

CORAM : P.N. DESHMUKH, J.

DATED : OCTOBER 31, 2017

This application is filed by respondent nos.2 and 3 for permission to withdraw the amount of compensation deposited by appellant Insurance Company.

Heard Shri Ahmed, learned Counsel for appellant, and Shri Pawar learned Counsel for respondent nos.2 and 3.

It is submitted by Shri Pawar, learned Counsel for applicants/respondent nos.2 and 3, that amount of compensation since is already deposited by appellant as per orders of this Court, applicants be allowed to withdraw 75% of the said amount as due to death of their father, they are placed in a financial hardship.

Shri Ahmed, learned Counsel for appellant, has not seriously objected to withdrawal of amount to the extent of 50% contending that issue involved in the present appeal is of breach of policy condition.

Having regard to the facts as aforesaid and as from the office note, it is found that amount of Rs.3,02,020/- is deposited with the Registry of this Court, applicants are held entitled for withdrawal of amount, which shall be 50% of the total amount deposited on their furnishing usual undertaking before Registrar (Judicial). The remaining amount shall be deposited in fixed deposit in any nationalised Bank initially for a period of 24 months. The civil application is disposed of.

By consent of learned Counsel for parties, first appeal be shown in the caption of “final hearing” in the week commencing from 27/11/2017.

JUDGE

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