

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

CIVIL APPLICATION NO.4197 OF 2017
IN FIRST APPEAL NO.835 OF 2011

(United India Insurance Co. Ltd. vs. Smt. Renuka wd/o Prakash Kholgade and others)

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

Ms. S. Ghatole, Advocate for respondent nos.1 to 4.
Shri N.B. Kalwaghe, Advocate for respondent no.5.

CORAM : P.N. DESHMUKH, J.

DATED : NOVEMBER 08, 2017

None for appellant Insurance Company.

Heard Ms. Ghatole, learned Counsel for
applicants/respondent nos.1 to 4, and Shri Kalwaghe,
learned Counsel for respondent no.5.

This application is for grant of permission to
withdraw the amount deposited by appellant against the
amount of compensation as awarded by Motor Accident
Claims Tribunal, Buldhana in Claim Petition No.
171/2006.

Ms. Ghatole, learned Counsel for respondent
nos.1 to 4, submits that as per order of this Court, 50%
of amount of compensation as awarded by Tribunal is
directed to be deposited and accordingly, appellant has
deposited Rs.1,51,066/-. It is further submitted that
applicants/respondent nos.1 to 4, who are legal heirs of
deceased Prakash, are facing financial hardship and,
therefore, permission to withdraw the amount may be
granted.

This Court while issuing notice had directed appellant to deposit 50% of amount of compensation. Accordingly, aforesaid amount is found to be deposited, which fact is further substantiated by the office note.

Considering the fact that 50% of the amount of award is deposited, application is liable to be allowed. Applicants/respondent nos.1 to 4 are allowed to withdraw amount of Rs.1,51,066/- by furnishing usual undertaking before Registrar (Judicial) of this Court.

The civil application is disposed of as allowed.

JUDGE

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