

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

CIVIL APPLICATION NO.1552 OF 2017

IN CIVIL APPLICATION NO. 3421/2017 IN FIRST APPEAL ST.NO.17357 OF 2017
(The Divisional Manager, National Insurance Co. Ltd. vs. Bharti wd/o Vasant Telang 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. Pathade, Advocate h/f Shri P.N. Mirache, Advocate
for applicants/respondent nos.1 and 2.
Shri Anthony, Advocate for appellant.

CORAM : P.N. DESHMUKH, J.

DATED : NOVEMBER 15, 2017

Heard learned Counsel for the parties.

This application is filed by respondent nos.1
and 2 for permission to withdraw decretal amount
deposited by appellant with Registry of this Court, which
is to the extent of Rs.44,66,907/-.

Shri Anthony, learned Counsel for
appellant/insurer, by referring to operative part of
award dated 5/12/2016 passed by learned Tribunal in
Claim Petition No.827/2010, has pointed out that while
apportioning amount between respondent nos.1 and 2,
respondent no.1 is held entitled for 45% of the amount
while respondent no.2 is held entitled for 55% of the
amount of compensation and 60% of the amount, which
comes to the share of respondent no.1, is directed to be
kept in fixed deposit of any nationalised Bank for six
years and entire amount of compensation payable to

respondent no.2 is directed to be invested in fixed deposit for a period of 13 years with liberty in favour of respondents/original claimants to withdraw interest accrued thereon for the benefit of minor.

Having considered the operative part of the award as aforesaid, on instructions given to learned Counsel for appellant, he has placed on record calculation for withdrawal of amount. Copy of the said calculation is supplied to learned Counsel for respondent nos.1 and 2. Accordingly it is agreed by learned Counsel for respondent nos.1 and 2 that respondent no.1 is thus entitled to withdraw Rs.5,36,292/- only along with interest at the rate of 7.5% per annum from the date of claim petition, ie. 21/8/2010 till its realization. Accordingly, respondent no.1 is entitled to withdraw amount as above along with interest on furnishing usual undertaking before Registrar (Judicial) of this Court.

Respondent no.1 in addition to amount whatsoever shall be calculated as aforesaid will be further entitled to withdraw interest accrued on the amount invested in the name of minor respondent no.2 and amount to be withdrawn by her on behalf of respondent no.2, shall be utilised by her only for the benefit of minor.

The application is disposed of as partly allowed in the above terms.

JUDGE

khj