

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

CIVIL APPLICATION (CAF) NO. 4126 OF 2019 IN
FIRST APPEAL NO. 67 OF 2017

The Oriental Insurance Co. Ltd. .vs. Pushpa wd/o ankush Buche (dead) and ors.

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

Court's or Judge's orders

None for appellant.

Ms. Joshi, Adv. h/f Shri Dr. R.S. Sirpurkar, Adv. for respondent
nos. 2 to 5.

CORAM : VINAY JOSHI, J.

DATED : 26th NOVEMBER, 2019

Heard.

This is an application of respondents/claimants seeking for withdrawal of compensation amount. The claim petition was decided by the Tribunal on 03.08.2016 granting total compensation of Rs.16,01,000/- (Rupees Sixteen Lakh One Thousand only) along with interest.

Being aggrieved by said judgment and award, insurer had filed First Appeal No. 67 of 2017 which was heard and dismissed on merit by this Court vide judgment and order dated 04.09.2017. Thereafter, claimants had file Civil Application no. 4328 of 2017 seeking withdrawal of amount of Rs.9,00,000/- (Rupees Nine Lakh only) with interest which was allowed by this Court. On this background, applicants are seeking for withdrawal of the rest of the amount. Since, the claim petition as well as First Appeal is disposed by way of dismissal, the order of

the Tribunal has been confirmed. It is informed that order of this Court is not challenged by insurer to the higher Court.

In the circumstances, applicants are entitled for releasing the remaining compensation amount. In so far as, applicant no. 3 is concern, the Tribunal has directed to invest amount of Rs.7,00,000/- (Rupees Seven Lakh only) in his name and therefore, the said deposit cannot be liquidated during the minority of applicant no. 3. As regards to rest of the entire remaining amount alongwith accrued interest is concern, it be disbursed as per award.

The amount allotted to the share of applicant no. 5-Sau. Sakhubai Buche is concern, it be disbursed to applicant no. 2-Pranali Buche who is power of attorney holder. Applicant no. 4-Govinda Buche died during the pendency of appeal and therefore, the amount allotted to the share of Govinda Buche, shall also be disbursed to applicant no. 2-Pranali Buche who is power of attorney holder of wife of Govinda Buche namely Sau. Sakhubai Buche.

The Civil Applications stands disposed accordingly.

Applicant no. 3-Aniket Buche on attaining majority, is at liberty to move this Court for withdrawal.

JUDGE

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