

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CIVIL APPLICATION (CAF) NO.3896 OF 2016
IN
FIRST APPEAL NO.906 OF 2015

New India Assurance Company Ltd. Nagpur

-vs-

Vimal Shivarkar and ors.

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

Court's or Judge's Orders.

Shri Ashish W. Paunikar, Advocate for appellant.
Shri Tejas Patil, Advocate for respondent Nos.1 to
3/applicants.
Ms A. R. Kulkarni, AGP for respondent No.5.

CORAM : A.S.CHANDURKAR, J.
DATE : March 17, 2017

The claimants seek permission to withdraw the amount of compensation deposited by the appellant.

The application is opposed by the learned counsel for the appellant on the ground that the aspect of contributory negligence has not been taken into consideration.

Perused the impugned judgment. In the facts of the case, the claimants are permitted to withdraw an amount of Rs.Six lakhs subject to 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 be invested in Fixed Deposit.

Civil application is allowed and disposed of.

JUDGE