

IN THE HIGH COURT OF JUDICATURE AT BOMBAY:
NAGPUR BENCH : NAGPUR
Civil Application [CAF] No.4055 of 2016
IN
First Appeal No. 801 of 2016
[Oriental Insurance Co. Ltd. Vs. Sheikh Salim Sheikh Ismail & two others]

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

Court's or Judge's orders

Mr. S.S. Alaspurkar, Adv., for applicant - respondent no.1.
Mr. A.M. Quazi, Adv., for the appellant.

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CORAM : A. S. CHANDURKAR, J.

DATE : 12th January, 2017

By this application, the claimant seeks permission to withdraw the amount of compensation deposited by the appellant.

Application is opposed by the learned counsel for the appellant.

Perused the impugned judgment in which there is a reference to Permanent Disability Certificate to the

extent of twenty-five per cent at Exh.32. The defence as raised by the appellant with regard to its liability - vis-a-vis - the respondent no.1 would have to be considered after examining the evidence on record. Taking a prima view of the matter, the following order is passed:-

ORDER

- [a]** The claimant is permitted to withdraw Rs.3,50,000-00 [rupees three lakhs fifty thousand only] on filing an undertaking that in case the appeal is allowed, the said amount shall be repaid with interest at such rate the Court may direct.
- [b]** Further amount of Rs. 1,50,000-00 [rupees one lakh fifty thousand only] is permitted to be withdrawn on furnishing a solvent surety/security to the satisfaction of the Registrar [Judicial].
- [c]** Rest of the amount be invested in Fixed Deposit.

Civil Application is allowed and disposed of.

Judge

