

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 8477 OF 2017
IN
FIRST APPEAL NO. 1386 OF 2009

Jayashree @ Meena Chandrakant Hodshil
and others .. Applicants

versus

National Insurance Company Limited
and others .. Respondents

Mr. K. F. Shingare, Advocate for applicants
Mr. Avinash Patil, Advocate h/f Mr. S.P.Chapalgaonkar, Advocate
for respondent no. 1

CORAM : SUNIL P. DESHMUKH, J.
DATE : 9th April, 2018

ORDER :

1. Learned counsel for applicants states that first appeal has been disposed of on 16-04-2010. The applicants except sum of Rs.40,000/- have not received amount under the claim which has been deposited in the first appeal.

2. Learned counsel for appellant – insurance company submits that steps have been taken for restoration of first appeal which had been dismissed for want of steps.

3. Learned counsel for applicants, however, submits that movement for restoration of appeal has been made only after

application for withdrawal of balance amount lying in court is made and not before.

4. In any case, it appears, applicants who are four in number have been granted compensation of Rs.1,89,500/- by tribunal and a sum of rs.1,75,750 had been deposited by the appellant in this court. In the circumstances, it appears to be expedient to grant the application. Smaller amount is getting distributed over several heads.

5. Application is accordingly allowed in terms of prayer clause (B) and is disposed of. Withdrawal of amount shall be without prejudice to the rights of appellant for restoration of the appeal.

SUNIL P. DESHMUKH,
JUDGE

pnd