

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

CIVIL APPLICATION NO. 976 OF 2018
IN
FIRST APPEAL [STAMP] NO. 25570 OF 2012

Shobha Narayansing Rajpurohit .. Applicant

vs

The Oriental Insurance Com. Ltd. .. Respondent

Mr. Manoj Shinde, Advocate h/f Shri R. K. Ingole, Advocate for applicant

Mr. Dhananjay P. Deshpande, Advocate for respondent

CORAM : SUNIL P. DESHMUKH, J.
DATE : 27th February, 2018

ORDER :

1. Heard learned counsel for the parties.
2. Having regard to that present matter is yet another first appeal preferred by insurance company and amount has been deposited in this court payable under the award to the claimants, it would be expedient to treat this application in accordance with order dated 22-11-2013 passed in civil application no. 13657 of 2013 in first appeal no. 428 OF 2013 and companion matters.
3. Applicant states that she is age-old lady and she is in dire need of amount of compensation. Further in the course of arguments, learned counsel for applicant submitted that applicant

is undergoing medical treatment expenses of which are to be borne by her. Unless she receives amount of compensation, it is difficult for her to survive without any aid.

4. Learned counsel Mr. Deshpande appearing for respondent states that there are other first appeals pending in this court arising out of the same accident and the claimants therein have been allowed to withdraw 75 percent of the deposited amount, 25 per cent on furnishing undertaking and 50 per cent on furnishing solvent security.

5. Learned counsel for applicant submits that economic condition of the applicant is precarious and would not be able to give solvent security. He, therefore, prays that amount may be allowed to be withdrawn on furnishing undertaking.

6. Having regard to aforesaid submissions, it would be expedient to allow the application to withdraw 50 per cent of the deposited amount on submission of an undertaking to this court that in the event the appellate court decides the appeal adverse to the interest of applicant, she will pay back / deposit the withdrawn amount within a period of three months from the date of decision in appeal in this court. Undertaking to be filed by applicant within a period of four weeks from today.

7. In terms of observations as aforesaid in paragraph 6, civil application no. 976 of 2018 is allowed and is disposed of.

8. Present appeal to be heard along with first appeal no. 428 of 2013 and other companion appeals.

SUNIL P. DESHMUKH,
JUDGE

pnd/-