

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**FIRST APPEAL N O. 901 OF 2018
WITH
CIVIL APPLICATION NO. 4111 OF 2018**

National Insurance Co. Ltd. ... Appellant
Versus
Chandrakant Sitaram Jagdale and others ... Respondents

.....
Mr. Amol Gatne, Advocate for the Appellant.
Mr. R. M. Haridas, Advocate for the Respondent Nos. 1 and 2.
.....

CORAM : A. S. CHANDURKAR, J.

DATE : 13th DECEMBER, 2018.

P. C.:

FIRST APPEAL N O. 901 OF 2018

1. Heard.
2. *Admit.*
3. Call for the Record and Proceedings.
4. Learned Counsel waives notice for respondent Nos. 1 and 2.

CIVIL APPLICATION NO. 4111 OF 2018

1. Heard learned Counsel and perused the impugned judgment.
2. Learned Counsel for the appellant submits that considering the grounds raised in the appeal the claimants may not be permitted to withdraw substantial amount as there is a good chance of success in the appeal.
3. Considering the nature of evidence on record, the claimants are permitted to withdraw 50% of the amount of compensation as deposited. The claimants shall file undertaking within eight weeks from today that if the appeal is allowed, the amount so withdrawn shall be repaid with interest at such rate the Court may direct. The remaining amount shall be invested in a fixed deposit.
4. The civil application is disposed of.

(A. S. CHANDURKAR, J.)