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

**CIVIL APPLICATION NO.127 OF 2016
IN
FIRST APPEAL NO.50 OF 2016**

Smt. Pallavi Anand Hegde, and ors ... Applicants

In the matter between

National Insurance Co. Ltd. ... Appellant.

V/s.

Smt. Pallavi Anand Hegde, and ors ... Applicants

Mr. Yuvraj P. Narvankar, for the applicants.

Mrs. Amol Gatne, for appellant.

CORAM : DR.SHALINI PHANSALKAR-JOSHI, J.

DATE : 1st NOVEMBER, 2018.

P.C. :

1] Heard learned counsel for the applicants and appellant.

2] This application seeking withdrawal of the entire amount of compensation is preferred by the original claimants.

3] Learned counsel for the appellant Insurance Company strongly resists this application on the ground that there is order of pay and recovery, and it would be difficult for the Insurance Company to recover the said amount from the owner. According to learned counsel for Insurance Company, it is not liable to pay any amount of compensation. Hence, it is submitted that if this Court is inclined to

pass any order of withdrawal, then it should be furnishing of security to the satisfaction of the Tribunal.

4] Learned counsel for the claimants submits that the applicant being widow, has minor child, it is not possible for her to furnish security as since last 7 years, she is left without any amount for her maintenance or for maintenance of child.

5] In view thereof, the applicants are permitted to withdraw an amount of Rs.15,00,000/- subject to furnishing of usual undertaking in the trial Court.

6] Application is disposed off accordingly

[DR.SHALINI PHANSALKAR-JOSHI, J.]