

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.4051 OF 2018

IN

FIRST APPEAL NO.828 OF 2012

Oriental Insurance Co. Ltd.

-vs-

Ravindra Ramchandra Hotkar and ors.

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

Court's or Judge's Orders.

None for appellant.

Ms Kavita Aachan, Advocate for respondents/applicants.

CORAM : A.S.CHANDURKAR, J.

DATE : December 03, 2018

None appears for the original appellant though the matter is called out twice. Incidentally the First Appeal has been dismissed on account of failure to file paper-book vide order dated 02/11/2012. It is stated by the learned counsel for the applicants that an application for restoration has been moved by the original appellant.

By the present application the applicants seek permission to withdraw further amount of compensation as awarded by the Claims Tribunal. The Claims Tribunal while allowing the application filed under Section 166 of the Motor Vehicles Act, 1988 had awarded compensation of Rs.9,61,000/-. In this appeal amount of Rs.15,00,000/- came to be deposited as a condition for grant of sale. By the order dated 22/10/2013 the applicants were permitted to withdraw sum of Rs.4,25,000/-. It is submitted that for the

purposes of medical treatment of the applicant No.3 the applicant may be permitted to withdraw further amount.

Perused the impugned judgment. As of today the appeal has not been yet restored. Considering the reasons mentioned in the application, further amount of Rs.3,00,000/- is permitted to be withdrawn by the applicant. An undertaking that the said amount shall be repaid in case the appeal is allowed shall be filed within period of four weeks from today.

Civil Application is disposed of.

(A.S.CHANDURKAR, J.)