

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

**CIVIL APPLICATION NO. 396 OF 2018
IN
FIRST APPEAL (ST.) NO. 22636 OF 2015**

Smt.Leela Shankar Devare & Anr.	...	Applicants
<u>In the matter between</u>		
United India Insurance Co. Ltd.	...	Appellant
V/s.		
Smt.Leela Shankar Devare & Ors.	...	Respondents

- Mr.Rahul Mehta i/b. KMC Legal for the Appellant.
- Mr.Sainand Chaugule for the Applicants/Respondent Nos.1 & 2.

CORAM : DR.SHALINI PHANSALKAR-JOSHI, J.

DATE : 24th OCTOBER, 2018.

P.C. :

- 1] This is an application filed by the Applicants-Claimants for withdrawal of the amount of compensation deposited in the Tribunal.
- 2] Considering the necessity of the Applicants-Claimants, the Application needs to be allowed. However, having regard to the fact, the Appeal is preferred by the Insurance Company mainly on the ground of quantum of the compensation, the Applicants-Claimants cannot be permitted to withdraw the entire amount.
- 3] Therefore, the Application is partly allowed. The Applicants-Claimants are at liberty to withdraw 60% of the amount of compensation deposited with the Tribunal alongwith proportionate interest accrued thereon, subject to furnishing of usual undertaking.
- 4] The Civil Application is disposed of in above terms.

[DR.SHALINI PHANSALKAR-JOSHI, J.]