

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

**CIVIL APPLICATION NO.2028 OF 2018
IN
FIRST APPEAL NO.121 OF 2016**

Smt. Maya Uttamchand Goyal@

Agarwal & Anr.

.. Applicants

Vs.

New Insurance Company Limited.

.. Respondents

WITH

**CIVIL APPLICATION (ST.) NO.20423 OF 2018
IN
FIRST APPEAL NO.121 OF 2016**

Mr.Sagar Kursija, Advocate I/b T.D. Deshmukh, Advocate for applicants.

Smt. S.S. Dwivedi, Advocate for respondent.

CORAM : A.S. CHANDURKAR, J.

DATE : 14TH DECEMBER 2018

P.C.

CIVIL APPLICATION (ST.) NO.20423 OF 2018

1 Perused the application. Considering reasons assigned, the order dated 2nd February 2016 dismissing the appeal on account of failure to file the paper-book is recalled. The paper-book is permitted to be filed within a period of four weeks from today with copy to the counsel for the claimants. The civil application is allowed and is disposed of.

CIVIL APPLICATION NO. 2028 OF 2018

2 The claimants seek permission to withdraw the amount of compensation as deposited by the appellants.

3 Heard the counsel. Perused the impugned judgment. The present application has been moved by the widow and her minor son. By the impugned judgment, the mother of the deceased has also been granted compensation.

4 In that view of the matter, the present applicants are permitted to withdraw 40% of the amount of compensation as deposited. The original claimant No.3 before the Claims Tribunal is permitted to withdraw the 10% of the total amount of compensation. Thus, the 50% amount of compensation would be permitted to be withdrawn. The claimants shall file an undertaking within eight weeks from today stating therein that in case the appeal is allowed, the amount which is withdrawn shall be re-deposited with interest at such rate the Court may direct. The balance amount shall remain invested in Fixed deposit. The civil application is disposed.

(A.S. CHANDURKAR, J.)