IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CIVIL APPLICATION (F) NO.1670 OF 2018

IN

FIRST APPEAL NO. 875 OF 2012

The New India Assurance Co.ltd. -Vs.-Malti Pyarelal Bisne and ors.

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

Mr. K..S. Motwani, for respondent nos. 1 and 2.

CORAM : M. S. KARNIK, J.
DATE : 03.07.2018.

Leave to amend. Amendment be carried out forthwith.

This is an application for withdrawal of the amount which has been deposited by the appellant.

The Motor Accidents Claim Petition was filed in the year 2007 and appellant was directed to deposit the entire compensation amount. The appellant has deposited the amount. It is pointed out that the respondent no.l is the widow of the deceased and respondent no.2 is the mother of the deceased. During the pendency of this appeal respondent no.3, the father of the deceased expired. It is averred that the respondent no.2 is suffering from old aged diseases and the family is

facing great hardship as the only earning member of the family died in the accident.

In this view of the matter and for the reasons mentioned in the application, I am inclined to allow the respondent nos.1 and 2 to withdraw 75% of the amount which has been deposited in this Court by the appellant subject to the respondent nos.1 and 2 furnishing an undertaking in this Court that in the event the appeal is decided against them, they would refund the amount alongwith such interest as may be determined by this Court within a period of two months from the date of the order passed by this Court.

The Registry is directed to invest the balance amount in fixed deposit in any Nationalised Bank initially for a period of three years and thereafter reinvest the same from time to time till disposal of the appeal. Interest thereof may be paid to the respondent nos.1 and 2 on every quarter of the year.

The Civil Application is allowed in the aforesaid terms and disposed of accordingly with no order as to costs.

JUDGE