

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

FA NO.623/2018

The New India Assurance Co. Ltd., Buldana, thr. its Regional Manager,
Nagpur

..VS..

Smt. Vandana Bhimrao Jadhav and ors

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

Court's or Judge's Order

.....
Shri S.A. Marathe, Counsel for the Appellant.
Shri S.P. Pawar, Counsel for Respondent Nos.1 to 3.

CORAM : V.M. DESHPANDE, J.
DATED : OCTOBER 22, 2018.

Heard learned counsel Shri S.A. Marathe for the appellant. **ADMIT.** The record and proceedings be called for. Learned counsel Shri S.P. Pawar waives service for respondent Nos.1 to 3.

CAF No.2224/2018

1. This is an application for grant of permission to withdraw amount. The said application is filed by respondent Nos.1 to 3/original claimants.
2. In pursuance to orders passed earlier by this Court, the insurance company deposited entire decretal amount of Rs.16,11,844/- before this Court.
3. After hearing learned counsel Shri S.P. Pawar

for respondent Nos.1 to 3 and learned counsel Shri S.A. Marathe for the appellant, in order to secure future of respondent Nos.1 to 3, following order is passed:

ORDER

- (i) The civil application is partly allowed.
- (ii) Respondent Nos.1 to 3 will be entitled to withdraw 50% of the amount deposited by the appellant along with interest accrued thereon.
- (iii) With this, the civil application stands disposed of accordingly.

Civil Application No.4765/2017

- 1. This is an application for grant of Stay.
- 2. Heard learned counsel for the respective parties.
- 3. This Court on 18.12.2017 granted *ad interim* Stay in favour of the appellant on condition the appellant deposits entire decretal amount before this Court. In pursuance to the said orders, the appellant deposited entire decretal amount.
- 4. Today, the application filed by the claimants for withdrawal of the amount is partly allowed.
- 5. In that view of the matter, the present civil application is allowed. There shall be Stay to the effect and operation of judgment and award dated 26.8.2016 passed by learned Member, Motor Accident Claims Tribunal, Buldana in MACP No.214/2012 in respect of remaining amount.

With this, the civil application stands disposed of accordingly.

JUDGE

!! BRW !!