

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

CIVIL APPLICATION (CAF) NO.2354/2018 IN FA NO.833/2016
The Branch Manager, The Reliance General Insurance Co. Ltd., thr. its
Manager, Nagpur

..VS..

Manju wd/o Vikram Choudhary and ors

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

Court's or Judge's Order

.....
Ms M.H. Pathade, Counsel for Applicants/Respondents.
Shri D.N. Kukday, Counsel for the Appellant.

CORAM : V.M. DESHPANDE, J.

DATED : OCTOBER 30, 2018.

1. This is an application for permission to withdraw balance decretal amount deposited before this Court.

2. The present application is moved by the respondents, the dependents of Vikram who lost his life in a vehicular accident. Claim petition filed by the respondents was partly allowed and learned Judge of the Court below found that they are entitled for compensation of Rs.22,99,125/- along with interest. The Insurance Company was aggrieved by the said award and, therefore, they preferred the present appeal. The appeal is already admitted.

3. In pursuance to orders passed by this Court, the appellant-insurance company already deposited Rs.33,72,785/- on 6.6.2016. An application bearing

Civil Application No.1105/2016 was filed on behalf of the applicants/respondents for withdrawal of the amount. On 20.7.2016, this Court (Coram : Prasanna B. Varale, J.) granted the said application in part and 50% amount was allowed to be withdrawn on condition as mentioned in said order dated 20.7.2018. The said 50% amount was withdrawn by the applicants/respondents.

4. The applicants/respondents moved the present application afresh for withdrawal of the balance decretal amount. The reason i.e. placed before the Court for withdrawal is that applicant No.4/respondent-Bhumika, daughter of the deceased, who is undergoing M.B.B.S. Course at Akash Institute of Medical Sciences & Research Centre, Bangalore, is required to pay tuition fees to the tune of Rs.8,62,500/- and Rs.1,50,000/- towards hostel fees. The applicants/respondents have placed on record receipt along with Pursis vide Stamp No.15483/2018 showing that the amount is paid by applicant No.1/respondent as depicted in the receipts and as stated in the application.

5. In that view of the matter, in my view, the cause and the reasons for moving the present application is required to be favourably considered. However, at the same time, future of applicant Nos.2 and 3/respondents as well as applicant No.4/respondent-Bhumika is also required to be secured.

6. In that view of the matter, the present application is partly allowed. Applicant Nos.1 to 4/respondents will be entitled to withdraw amount of Rs.10.00 lacs out of the remaining amount on furnishing their usual undertaking. The balance amount shall be re-fixed in Fixed Deposit Receipts in order to save loss of interest.

7. With this, the civil application stands disposed of accordingly.

FA NO.833/2016

Learned counsel Shri D.N. Kukday for the appellant as well as learned counsel Ms M.H. Pathade for the respondents fairly state that the present appeal can be amicably settled if the matter is placed before the coming National Lok-Adalat.

Registrar (J.) is directed to place the present appeal before the National Lok-Adalat.

Since the matter is directed to be placed before the National Lok-Adalat, Civil Application No.174/2018 for grant of early hearing of the appeal need not be considered and hence the said application is disposed of accordingly.

JUDGE

!! BRW !!

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