

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

CIVIL APPLICATION (CAF) NO.2539/2018

in

FA NO.602 OF 2016

National Insurance Co.Ltd., Wardha Branch, thr. the Regional Manager, Nagpur
Regional Office, Nagpur

..VS..

Smt. Usha Pandurangji Raghatate and ors

Smt. Usha Pandurangji Raghatate and 2 : Applicants/Respondent Nos.1 to 3

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

Court's or Judge's Order

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Ms S.S. Dashputre, Counsel for applicants/respondent Nos.1 to 3/claimants.

Shri D.N. Kukday, Counsel for the appellant.

CORAM : V.M. DESHPANDE, J.

DATED : AUGUST 28, 2018.

1. This is an application filed by applicants/respondent Nos.1 to 3/claimants for permission to withdraw the amount deposited by the insurance company.
2. Heard learned counsel Ms S.S. Dashputre for applicants/respondent Nos.1 to 3/claimants and learned counsel Shri D.N. Kukday for the appellant.
3. On 25.11.2016, the appeal was admitted. The Stay was granted in favour of the appellant subject to the appellant depositing entire decretal amount. In pursuance to the said orders, the insurance company had already deposited the amount before this Court.

4. After deposit of the amount, applicants/respondent Nos.1 to 3/claimants filed Civil Application No.4109/2016 for withdrawal of the amount. This Court, (Coram : S.B. Shukre, J.) on 22.12.2016, partly allowed the said application and granted the application of respondent No.1 permitting her to withdraw Rs.3.00 lacs from the amount so deposited by the insurance company. However, the application of respondent Nos.2 and 3 was rejected.

5. In the present application, it is stated that the amount is required for facilitating respondent Nos.2 and 3 to conduct their business smoothly and to start the business for respondent No.3. The cause title of the claim petition shows that at the time of filing of the claim petition age of respondent Nos.2 and 3 was 38 and 32 years respectively and in the present application their age is presented as 40 years and 34 years. Therefore, surely they cannot be termed as dependents of the deceased. No case is made out for withdrawal of the amount. Hence, the civil application is rejected and disposed of accordingly.

JUDGE

!! BRW !!

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