

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

FIRST APPEAL NO.329/2017

The Oriental Insurance Co.Ltd., Akola Divisional Office, thr. the Regional
Manager, S.K. Tower, Melson's Square, Chhindwada Road, Nagpur

..VS..

Smt. Chhaya wd/o Mahadeo Kharap and ors

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

Court's or Judge's Order

.....
Shri D.N. Kukday, Counsel for the Appellant.
Shri S.A. Mohta, Counsel for Respondent Nos.1 to 3.

CORAM : V.M. DESHPANDE, J.
DATED : OCTOBER 8, 2018.

1. On 25.1.2018, though this Court (Coram : Manish Pitale, J.) directed that the present appeal can be disposed of at admission stage, in my view, as very old appeals are pending, no preference can be granted to the present appeal. Hence, **ADMIT**. The record and proceedings be called for.
2. Learned counsel Shri S.A. Mohta waives service for respondent Nos.1 to 3.

CAF No.3553/2017

1. This an application filed by original claimants for withdrawal of amount. In pursuance to orders passed by this Court on earlier occasion, the appellant deposited Rs.50,12,086/- in this Court.

2. I have heard learned counsel Shri S.A. Mohta for the original claimants and learned counsel Shri D.N. Kukday for the appellant-insurance company.

3. Having heard learned counsel for the parties, I pass following order:

ORDER

- (a) The civil application is partly allowed.
- (b) Respondent No.1 will be entitled to withdraw Rs.20.00 lacs from and out of amount deposited by the appellant-insurance company.
- (c) Remaining amount shall be invested in any Nationalized Bank initially for a period of 3 years and the said exercise shall be continued as and when occasion arises.
- (d) Respondent No.1 will be entitled to withdraw interest on the remaining balance amount twice in a year in order to maintain minor son and daughter.
- (e) The amount deposited by the appellant be remitted to the MACT, Akola.
- (f) Learned Member, MACT, Akola is hereby directed to permit respondent No.1 to withdraw Rs.20.00 lacs and shall continue to allow respondent No.1 to withdraw the interest twice in a year accrued on the remaining balance amount.
- (g) With this, the civil application stands disposed of accordingly.

Civil Application NO.1850/2017

- (a) This is an application for grant of Stay.
- (b) Heard learned counsel Shri D.N. Kukday for the appellant-insurance company.
- (c) The entire award amount is deposited before this Court. In fact, this Court has partly allowed the application filed by the claimants for withdrawal of the amount.
- (d) In that view of the matter, the present application is allowed.
- (e) There shall be Stay to the execution of the judgment and award impugned in the present matter, to the extent the remaining amount after withdrawal by respondent No.1.
- (f) With this, civil application stands disposed of accordingly.

JUDGE

!! BRW !!

...../-