

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

CIVIL APPLICATION (CAF) NO.2617/2018 IN
FIRST APPEAL NO.1351/2017

Narsing s/o Bhuggappa Kaveri

Vs.

Smt. Archana wd/o Subhash Salam and others.

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

Court's or Judge's orders.

Shri N.A. Gaikwad, Advocate for the Applicant/Appellant.
Shri A.V.Bhide, Advocate for the non-applicant/respondent Nos. 1 to 3.
Shri A.A. Dhawas, Advocate for the non-applicant/respondent No.4.
Shri D.N.Kukday, Advocate for the non-applicant/respondent No.5.

CORAM: ARUN D. UPADHYE, J.

DATE: 21-11-2018.

Heard Shri N.A. Gaikwad, learned Counsel for the applicant, Shri A.V. Bhide, learned Counsel for the non-applicant Nos. 1 to 3, Shri A.A. Dhawas, learned Counsel for the non-applicant No.4 and Shri D.N. Kukday, learned Counsel for the non-applicant No.5.

Perused the application. The applicant/appellant has deposited the entire amount of award i.e. Rs. 5,57,064/-. As per the award, the respondent No.1 is granted Rs. 2,57,064/- and the respondent No.3 is granted amount of Rs. 1,25,000/-. The respondent No.2 is minor aged about 3 years, at the time of accident. The amount of Rs. 1,75,000/- was directed to be deposited in fixed deposit in Nationalized Bank for the period till she attains the majority.

Considering the above facts and circumstances of the case, I am of the view that the amount of Rs. 1,75,000/-

cannot be permitted to be withdrawn as the respondent No.2 is minor. The applicant/appellant has submitted that at the most, half of the amount could be permitted to be withdrawn to the respondent Nos. 1 and 3.

Considering the submission of the learned Counsel for the applicant/appellant, the respondent No.1 could be permitted to withdraw the amount of Rs. 2,57,064/- and the respondent No.3 could be permitted to withdraw the amount of Rs. 1,25,000/- towards compensation.

Hence, I pass the following order.

ORDER

[i] The application is partly allowed.

[ii] The respondent No.1 is permitted to withdraw the amount of Rs. 2,00,000/- on furnishing usual undertaking before the learned Registrar (Judl.) of this Court and respondent No. 3 is permitted to withdraw the amount of Rs. 1,00,000/- by furnishing usual undertaking before the learned Registrar (Judl.).

The Civil Application is disposed of accordingly.

JUDGE