

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

CIVIL APPLICATION (CAF) NO.2755/2013 IN FA NO.1188/2012 (D)
The Oriental Insurance Company Ltd., Wardha Branch Wanjari Chowk, Wardha
..VS..
Baby Bhimrao Khawashe 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.R. Bhoyar, Counsel for applicant/respondent No.1.

CORAM : V.M. DESHPANDE, J.
DATED : SEPTEMBER 25, 2018.

1. This is an application for withdrawal of the decretal amount. The application is filed by the original claimant, who is respondent No.1.
2. In the morning session, when the matter was called out, learned counsel for appellant-The Oriental Insurance Company Ltd. was absent. Therefore, in order to give a chance to the appellant-insurance company, the matter was kept in the second half. In the second half also, learned counsel for the appellant-insurance company is absent.
3. Learned counsel Shri D.R. Bhoyar for applicant/respondent No.1. was present in the morning session so also he is present in the second half.
4. Learned counsel Shri Bhoyar submits that appellant-insurance company challenged judgment and award dated 11.10.2011 passed by learned Member, MACT, Wardha in MACP

No.183/2008. He submits that during the pendency of the appeal the matter was placed before the National Lok Adalat on 8.9.2018.

5. The Record shows that learned counsel for the appellant-insurance company filed a Pursis whereby he has withdrawn the appeal unconditionally and, therefore, the appeal was disposed of as withdrawn.

6. Learned counsel Shri Bhoyar further submits that the appellant-insurance company has deposited entire decretal amount in view of order dated 28.2.2013. He, therefore, prays for withdrawal of the amount deposited.

7. Since the appeal is already disposed of as withdrawn and the amount is deposited by the appellant-insurance company which is meant for claimant, applicant/respondent No.1 will be entitled to withdraw entire amount along with interest accrued thereon.

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

JUDGE

!! BRW !!

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