

FARAD CONTINUATION SHEET No.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

FIRST APPEAL NO. 1082/2018

(THE ORIENTAL INSURANCE CO. LTD. CHANDRAPUR **VERSUS** KUSUM MANOHAR DONGE & ORS)

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

Court's or Judge's orders

Shri D.N. Kukday, counsel for the appellant.
 Shri P.R. Agrawal, counsel for the R-1 to 5.

CORAM : A.S. CHANDURKAR, J.

DATE : OCTOBER 23, 2018.

Heard. **ADMIT.** Call for Record & Proceedings.

Shri P.R. Agrawal, learned counsel, waives notice on
 hearing on behalf of respondent nos.1 to 5.

C.A.F. NO. 4146/2016.

As the applicant has deposited the entire amount of
 compensation as awarded by the Claims Tribunal, the execution of
 the impugned award shall remain stayed during pendency of the
 appeal.

C.A.F. NO. 4787/2017.

The original claimants seek permission to withdraw the
 amount of compensation as deposited by the appellant pursuant to
 the award passed by the Claims Tribunal.

In the application, it is stated that the applicant no.2 is
 presently unemployed having no source of income. Applicant no.3
 who is the daughter is pursuing her education. Applicant no.5 is
 the mother of the deceased. It is thus prayed that the entire
 amount as deposited be permitted to be withdrawn.

The prayer is opposed by the learned counsel for the
 original appellant on the ground that the compensation granted is
 on higher side and without any legal justification.

Perused the impugned judgment. For the present, the applicants are permitted to withdraw 50% of the amount of compensation deposited by the appellant on filing an undertaking that in case the appeal is allowed that amount shall be repaid with interest at such rate the Court may direct. From the amount that has been permitted to be withdrawn, Rupees Three Lakhs be paid to the applicant no.5-Mother of the deceased. Remaining amount be paid to the applicant no.1.

Civil Application is allowed in aforesaid terms and disposed of.

JUDGE

APTE