IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Civil Application No.4029/2016
in
First Appeal No.476/2015

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders.
	Mr. Bhooshan R. Mandlik for the Applicant

CORAM: K.K.TATED, J.
DATED : OCTOBER 18, 2019

P.C.

1 Heard learned counsel for the Respondent. None for the Appellant.

2 By this Civil Application, the Applicant claimant seeks permission to withdraw the amount of their share deposited by the Insurance Co. to satisfy the judgment and award dated 16.10.2015 passed by the MACT Kolhapur in MACP No.159/2011.

3 The learned counsel for the Applicant submits that, this court, by order dated 23.04.2015 in Civil Application NO.1542/2015 permitted claimant No.1 Sangeeta Anil Chavan to withdraw sum of Rs.75,000/- with accrued interest without furnishing any

security but subject to outcome of the First Appeal. He submits that this court also permitted the Applicant to make an Application for withdrawal of further amount.

4 The learned counsel for the Applicant submits that the Civil Application is filed on behalf of Respondent Nos.2 to 4 who are major. He submits that Applicant Nos.2 to 4 are taking education. He submits that they need amount for their education. He submits that if the Application is not allowed irreparable loss will be caused to the Applicant. Not only that, their education will also affect.

5 It is to be noted that in the present proceeding as per order dated 23.4.2015 passed by this court, claimant Nos.1 and 5 were allowed to withdraw sum of Rs.1,50,000/- with accrued interest. In the present proceeding by the impugned judgment and award the Tribunal has awarded sum of rs.5,97,000/- with accrued interest.

6 Considering these facts and as claimant Nos.2 to 4 are now major and taking education and they need some

amount for their education, they can be allowed to withdraw sum of Rs.50,000/- each.

7 Hence, following order is passed:

a. Applicant Nos.2 to 4 are allowed to withdraw Rs.50000/- each along with accrued interest without furnishing any security but subject to outcome of the First Appeal.

b. The Tribunal is directed to invest the remaining award amount in a fixed deposit account of any Nationalized Bank, initially for a period of one year and same shall be renewed from time to time till hearing and final disposal of the appeal.

c. The Civil Application stands disposed of accordingly.

d. No order as to costs.

(K.K.TATED, J.)