

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.2599 OF 2018
IN
FIRST APPEAL NO.641 OF 2005

Smt. Anita Nagnath Jadhav and Ors.	.. Applicants
Versus	
Shri. Sambhaji Vasudeo Bhange	.. Respondent

Mr. Mahesh Rawal I/b Avinash Avhad for applicants.

CORAM: K.K. TATED, J.

DATED : MARCH 14, 2019.

P.C. :

- 1 Heard learned Counsel for applicant.
2. Though the respondents are duly served no one appeared on behalf of them when the matter called out.
3. By this Civil Application, applicant is seeking permission to allow them to withdraw the a sum or Rs.1,00,000/- deposited by the appellant-Insurance Company in the Motor Accident Claim Tribunal.
4. The learned Counsel for the applicant submits that in the present proceedings, the tribunal by its impugned judgment and award dated 30.01.2004 held that the claimants are entitled for compensation of Rs.8,50,000/- with interest at the rate of 9% per annum. He submits that earlier this Court permitted applicant to withdraw Rs.1,34,000/-. He submits that now the applicant No.1 is not keeping well. She require some amount for

her treatment. He further submits that the other applicants are taking education. Hence, they require some amount for educational purpose. Therefore, applicant has filed present Civil Application for permitting them to withdraw a sum of Rs.1,00,000/-. In support of this contention, the learned Counsel for the applicant relies on paragraph 3 of the Civil Application.

5. Considering the submissions made by learned Counsel for the applicant and as the reasons disclosed in Civil Application, that applicant No.1 is not keeping well and she require some amount for medical treatment and other applicants are taking education, I am satisfied that the applicant has made out case for allowing to withdraw a sum of Rs.1,00,000/- by furnishing personal bond before the trial Court. Hence, following order :-

- a) Applicant No.1-Anita Nagnath Jadhav is permitted to withdraw a sum of Rs.1,00,000/- on behalf of all other applicants by furnishing bond subject to out come of appeal.
- b) Civil Application stands disposed of accordingly
- c) No order as to costs.

(K. K. TATED, J.)