

**FARAD CONTINUATION SHEET
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO.1168 OF 2019
IN
FIRST APPEAL (ST) NO.17173 OF 2018**

Office Notes, Office Memoranda of Coram, Appearances, court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mrs. Savita R. Prabhune for applicant.

**CORAM : K. K. TATED, J
DATE : MARCH 26, 2019**

P.C.:

1. Heard learned Counsel for applicant.

2. By this Civil Application, applicant/original claimant is seeking permission to withdraw the amount deposited by the applicant-Insurance Company.

3. The learned Counsel for the applicant submits that in an accident which occurred on 10.11.2010, the applicant No.1 lost her husband. She submits that on the date of

accident, the deceased was doing business of printing press and agriculture. She submits that the trial Court after considering the evidence on record passed the impugned judgment and award and awarded a sum of Rs.16,81,000/- by way of compensation with interest at the rate of 9% per annum instead of sum of Rs.60,00,000/- as claimed by the applicant.

4. The learned Counsel for the applicant submits that at present applicant has to maintain her minor child as well as mother in law who is senior citizen. She submits that, she require some amount for day to day expenses as well as medical treatment. She submits that in the interest of justice this Hon'ble Court be pleased to allow the applicant to withdraw the amount deposited by the Insurance Company in the present proceedings.

5. On the other hand, the learned Counsel appearing on behalf of Insurance Company vehemently opposed the present Civil Application. She submits that if the amount is withdrawn by the claimant without furnishing any security and in case the appellant succeeds in the present proceedings then it is very difficult for them to recover the said amount.

5. She further submits that the tribunal is granted compensation on higher side. She submits that they have good chance of success in the present proceedings therefore, there is no question of allowing the present Civil Application.

6. I heard both the sides at length. It is to be noted that on 10.11.2010, the applicant lost her husband. As per the averments made in Civil Application, applicant don't have any source of income at present. Apart from that she has to maintain her minor child as well as

mother in law who is senior citizen.

7. Considering these facts, I am of the opinion that claimants are entitled to withdraw a some amount without furnishing any security because the First Appeal will take its own time for final hearing. Hence, following order :-

a) Applicant Vaishali Dnyanadeep @ Deepak Jadhav is entitled to withdraw a sum of Rs.5,00,000/- without furnishing any security but subject to out come of the First Appeal.

b) Applicant No.3-Smt. Indumati Shankarrao Jadhav is entitled to withdraw a sum of Rs.2,00,000/- without any security but subject to out come of the First Appeal.

c) Civil Application stands disposed of accordingly.

d) No order as to costs.

(K.K.TATED, J.)