

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 2336 OF 2019
IN
FIRST APPEAL NO. 755 OF 2017

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

Court's or Judge's orders.

Ms. Harshada Rane I/b Varsha Chavan for
the Applicant.

Ms. Sangeeta Salvi for the Respondent No.1.

CORAM: K.K.TATED, J.

DATED : 26/08/2019

P.C.

1 Heard learned Counsel for the parties.

2 By this application, the Applicant original Claimant is seeking permission to withdraw 50% of the awarded amount deposited by the Appellant Insurance Company without furnishing any security but subject to outcome of the First Appeal.

2 The learned Counsel for the Applicant submits that in accident which occurred on 02.01.2014, the Applicant lost her wife who was 26 years old on that date. She was a Doctor by profession. She was earning Rs.1,48,000/- per month.

3 The learned Counsel for the Applicant

submits that in similar matter this Court has permitted the Claimant to withdraw 50% of amount without furnishing any security but subject to outcome of the First Appeal. This fact is not disputed by the learned Counsel for the Insurance Company.

4 Hence, the following order is passed:

A) Civil Application is allowed in terms of prayer clause (a), which reads thus:

“a) this Hon'ble Court be pleased to allow the Applicant to withdraw 50% of the award amount along with the interest deposited by the Appellant before the MACT, Thane”.

B) Civil Application stands disposed of accordingly. No order as to costs.

(K.K.TATED, J.)