

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Civil Application No.2785/2019

in

First Appeal No.999/2015

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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Ms. Mamta Dave for the Applicant
Mr. S. M. Dange for the Appellant

CORAM: K.K.TATED, J.
DATED : AUGUST 13, 2019

P.C.

1 Pursuant to the praecipe filed by the learned counsel for the Applicant, the matter is taken on production board.

2 By this Civil Application, the Applicant claimant Nos.2 and 3 seeks permission to withdraw the interest on fixed deposit as per order dated 15.04.2015 passed by this court in Civil Application No.2204/2013.

3 The learned counsel for the Applicant submits that in the present proceedings the Insurance Co. has filed the First Appeal challenging the judgment and award dated 14.06.2011 passed by the MACT Mumbai in

application No.1381/2002 holding that the claimants are entitled to sum of Rs.9,60,000/- by way of compensation with interest @ 7.5% p.a. He submits that they have also filed Civil Application No.2204/2012 for stay of the operation and implementation of the order passed by the Trial Court. He submits that this court, by order dated 15.04.2015 permitted the claimant No.1 to withdraw her share and also the interest on fixed deposit amount for the benefit of claimant Nos.2 and 3. The learned counsel for the Applicant submits that the claimant No.1 Mrs. Agnes is no more. She expired on 23.12.2015. She submits that now claimant Nos.2 and 3 are major. He submits that the Applicant claimant Nos.2 and 3 may be permitted to withdraw the interest on fixed deposit as per order dated 15.04.2015 passed by this court in Civil Application No.2204/2012.

4 The learned counsel for the Appellant Insurance Co. submits that they have no objection if the Applicants are permitted to withdraw the interest amount only on fixed deposit as per order dated 16.04.2015.

5 Hence, by consent of the parties, following order is passed:

a. Both the Applicants i.e. original claimant nos.2 and 3 are permitted to withdraw the interest amount on fixed deposit as per order dated 15.04.2015 passed in Civil Application no.2204/2012 subject to out of the First Appeal.

b. Parties to act on an authenticated copy of this order.

c. The Civil Application stands disposed of accordingly.

d. No order as to costs.

(K.K.TATED, J.)