

**FARAD CONTINUATION SHEET
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**CIVIL APPLICATION NO.1659 OF 2018
IN
FIRST APPEAL NO.795 OF 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.Yogita Deshmukh Chitnis for the applicant

Mr.Uday Badadare i/b Mr.Misar for the
respondent

**CORAM : K. K. TATED, J
DATE : APRIL 30, 2019**

P.C.:

. Heard.

2 By this Civil Application, Applicant original Claimant is seeking permission to withdraw the amount deposited by Insurance Company as per judgment and award dated 28.2.2014 passed by learned Member, MACT, Nashik in MACP NO.371 of 2007.

3 The learned counsel for the Applicant

submits that in connected matters, this court (Coram: G.S.Patel, J.) by order dated 28.6.2017 in First Appeal No.786 of 2015 with Civil Application No.2818 of 2016 and other connected matters permitted Claimants to withdraw 50% of entire amount with proportionate interest without security, but on furnishing of an undertaking. He relies on paragraph 5 of the said order which reads thus:

"5. In each of these cases, therefore, the Applicants are at liberty to withdraw 50% of the entire amount with proportionate interest without security or the furnishing of an undertaking. The MACT Nashik will permit that withdrawal on production of an authenticated copy of this order."

4 The learned counsel for the Applicant submits that Applicant may be permitted to withdraw the amount deposited by Insurance Company on same footing.

5 Considering the submissions made by the learned counsel for the Applicant and the averments made in the Application, and on the basis of earlier order dated 28.6.2017 passed

by this court in connected First Appeal No.786 of 2015 with Civil Application No.2818 of 2016, I am satisfied that the Applicant has made out a case for allowing the present Civil Application. Hence, the following order:

- a) Applicants original Claimants are permitted to withdraw 50% amount as per their share without furnishing any security but on giving personal bond in Trial Court.
- b) Civil application stands disposed of accordingly.
- c) No order as to costs.

(K.K.TATED, J.)