

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
Civil Application No. 199/2019

in
First Appeal (ST) No. 30800/2015

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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None for the parties.

CORAM : K.K.TATED, J.
DATED : MAY 3, 2019

P.C.

While receiving the papers, the concerned Shirastedar has found that, the order dated 12.04.2019 passed in the present Civil Application has been inadvertently uploaded in another Civil Application i.e. Civil Application No.199/2016. Hence, the matter is taken-up in chamber and following order is passed:

2 In cause title the number of the Civil Application should be **199/2019** instead of **199/2016** and the order uploaded in Civil Application No.199/2016 shall be deleted from the server and correct order be uploaded.

3 Order dated 12.04.2019 stands corrected accordingly. Rest of the order shall remain as it is.

CORRECTED ORDER DATED 12.04.2019
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Civil Application No. **199/2019**
in
First Appeal (ST) No. 30800/2015

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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Mr. Rushikesh Kale for the Applicant
Mrs. Yogita Deshmukh I/b. M. M. Sathaye
for the Respondent

CORAM : K.K.TATED, J.
DATED : APRIL 12, 2019

P.C.

Heard. By this Civil Application, the Applicant - claimant seeks permission to withdraw the amount deposited by the Appellant Insurance Co. in the Tribunal.

2 The learned counsel for the Applicant submits that in an accident, which occurred on 02.02.2012, the Applicant No.1 lost her husband and Applicant Nos.2 to 4 lost their father.

3 The learned counsel for the Applicant submits that claimant No.1 is housewife and she has to maintain her children. She

submits that the claimant Nos.2 to 4 are taking education. He submits that there is marriage of claimant No.2 Rushali Prabhakar Tarange, in the next month. Therefore, the Applicant is in need of the amount.

4 On the other hand, the learned counsel for the Insurance Co. submits that if entire amount is withdrawn by the claimant, nothing will survive in the present proceedings. If this court permits the Applicant to withdraw the amount, they may be directed to furnish bank guarantee and /or solvent security.

5 It is to be noted that in the present proceedings, in an accident which occurred on 02.02.2012, the Applicant No.1 lost her husband.

6 Considering the submissions made by the learned counsel for the Applicant and the reasons disclosed in the Civil Application, I am satisfied that the Applicant has made out a case for allowing them to withdraw some amount during pendency of the First Appeal.

7 Hence, the following order is passed:

a. The Applicant No.1 Archana Prabhakar Tarange is permitted to withdraw sum of Rs.1,50,000/- with accrued interest without furnishing any security but subject to outcome of the First Appeal.

b. Claimant No.2 Rushali Prabahakr Tarange is permitted to withdraw sum of Rs.1,00,000/- with accrued interest without furnishing any security but subject to outcome of the First Appeal.

c. The Trial Court is directed to invest the remaining amount in a fixed deposit of any Nationalized Bank, initially for a period of one year and same shall be renewed from time to time till further orders.

d. Civil Application stands disposed of accordingly.

e. No order as to costs.

(K.K.TATED, J.)