

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

CIVIL APPLICATION (CAF) NO.427/2019 IN FIRST APPEAL NO.720/2018

The Oriental Insurance Co. Ltd. Ahmadnagar Branch, through the Divisional
Manager (Incharge), Nagpur

...Versus...

Smt. Nandabai Laxman Bramhane and others

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

Court's or Judge's orders

Shri D.N. Kukday, Counsel for appellant
Shri Shrikant Saoji, Counsel for respondent nos.1 to 5/applicants
Shri S.D. Sirpurkar, AGP for respondent no.9

CORAM : ARUN D. UPADHYE, J.

DATE : 25/02/2019

Heard.

Upon perusal of the impugned judgment and award, it appears that the respondent nos.2 and 3 are minors and the Tribunal has directed the entire amount to be kept in fixed deposit till they attain majority. So far as the respondent no.1 is concerned, the learned Tribunal has directed to invest the amount of Rs.2,00,000/- and Rs.1,00,000/-, payable to her, in fixed deposit in her name for a period of five years and three years respectively and so far as respondent nos.4 and 5 are concerned, the learned Tribunal has directed to invest the amount of Rs.1,50,000/- each, payable to them, in fixed deposit in any Nationalized bank of their choice for a period of three years and rest of the amount is directed to be paid to them by account payee cheques.

Considering the above directions, I am of the view that so far as amount of minors, i.e., respondent nos.2 and 3 is concerned that cannot be permitted to be withdrawn. The appellant has deposited the amount of Rs.19,67,886/-. The respondent nos.1, 4 and 5 are entitled to withdraw Rs.2,00,000/- each upon furnishing usual undertaking. The respondent nos.2 and 3 are minors. Their share cannot be permitted to be withdrawn. In the result, I proceed to pass the following order.

ORDER

- (i) The civil application is partly allowed.
- (ii) The respondent nos.1, 4 and 5 are permitted to withdraw an amount of Rs.2,00,000/- each on furnishing usual undertaking to the satisfaction of the Registrar (Judicial) to the effect that they will refund the amount in case the first appeal is allowed.
- (iii) The remaining amount be kept in fixed deposit in any Nationalized bank till final disposal of the first appeal.

The civil application stands disposed of accordingly. No order as to costs.

JUDGE