

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

CIVIL APPLICATION (CAF) NO.624/2019

IN
FIRST APPEAL NO.214/2018

Bajaj Allianz General Insurance Co. Ltd. Through the Senior Executive, Nagpur
...Versus...
Ajabsing Fulsing Solanke 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 and 2/applicants

CORAM : ARUN D. UPADHYE, J.
DATE : 20/02/2019

Heard.

Perused the application. The
applicants/respondent nos.1 and 2 have applied for
withdrawal of the amount deposited by the appellant in this
Court.

I have perused the impugned judgment and
award. It appears that the liability upon the respondent no.3
is half of the amount of the compensation, awarded by the
Tribunal. It further appears that the Tribunal has also
directed the original respondents to deposit Rs.3,00,000/-
each out of the total compensation.

Considering the above facts and circumstances of the case and considering the fact that the appellant has deposited amount of Rs.8,71,592/- towards liability, as per the award, the respondent nos.1 and 2/applicants are permitted to withdraw an amount of Rs.4,50,000/- out of the amount of Rs.8,71,592/-, upon furnishing usual undertaking to the satisfaction of the Registrar (Judicial) that in case the first appeal is allowed, they will refund the amount with interest at such rate the Court may direct and remaining amount be kept in fixed deposit in any nationalized Bank, till final disposal of the first appeal.

The civil application is partly allowed and disposed of accordingly. No order as to costs.

JUDGE

Wadkar, P.S.