

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

CIVIL APPLICATION (CAF) NO.1386 OF 2019
IN
FIRST APPEAL NO.1253 OF 2010 (D)

The New India Assurance Co. Ltd.

-vs-

Savita Amar Kale and ors.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Shri A. J. Pophaly, Advocate for appellant.
Shri D. D. Chowhan, Advocate for respondent Nos.1 to
4/applicants.

CORAM : A.S.CHANDURKAR, J.

DATE : June 14, 2019

The claimants seek permission to withdraw the amount of compensation as deposited by the appellant on the ground that the appeal was dismissed for want of prosecution in view of the order dated 21/04/2015.

It is submitted by the learned counsel for the appellant that steps have been taken for having the appeal restored. The learned counsel further submits that part of the amount of compensation be permitted to be withdrawn without prejudice to the grounds raised in the appeal.

In that view of the matter and considering the judgment of the Claims Tribunal, the claimants are permitted to withdraw 50% of the amount of compensation as deposited subject to filing of undertaking by the respondent Nos.1 to 3 that in case the appeal is allowed, the amount withdrawn shall be refunded with interest at such rate the Court may direct. Civil Application is allowed and disposed of.

JUDGE