

FARAD CONTINUATION SHEET No.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

C.A.F. NO. 696/2019 IN FIRST APPEAL NO. 480/2017
 (ROYAL SUNDARAM ALLIANCE INSURANCE CO.LTD., NAGPUR VERSUS RAJENDRA
 SHANKARRAO SATPUTALEY & OTHERS)

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

Court's or Judge's orders

Shri A.J. Pophaly, counsel for appellant.
 Shri N.B. Jawade, counsel for R-4/applicant.

CORAM : A.S. CHANDURKAR, J.
DATE : FEBRUARY 22, 2019.

By this application, the respondent no.4 prays that she be permitted to withdraw the amount of compensation as deposited by the appellant.

Perused the impugned judgment. By order dated 26.04.2017, the respondent nos.1 and 2 were permitted to withdraw 50% of the amount of compensation as deposited by the appellant.

It is submitted by Shri A.J. Pophaly, learned counsel for the appellant that the challenge to the impugned award on the ground that the compensation granted is on a higher side. He submits that if the entire balance amount is permitted to be withdrawn, no amount would remain with the Court in deposit. This would prejudice the case of the appellant.

On the other hand, it is submitted by Shri N.B. Jawade, learned counsel for respondent no.4 that as respondent nos.1 and 2 have been permitted to withdraw 50% of the said amount, similar permission deserves to be granted to the respondent no.4.

Considering the nature of challenge as raised in the appeal, it is found that the respondent no.4 can be permitted to withdraw an amount of Rs.20,00,000/- subject to filing an undertaking in this Court that in case the appeal is allowed that amount shall be re-deposited with interest at such rate the Court may direct. Permitting the entire balance amount to be withdrawn would definitely prejudice the case of the appellant. Hence, the balance amount shall remain invested in Fixed Deposit.

Civil application stands disposed of in aforesaid terms.

JUDGE

APTE