

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

CIVIL APPLICATION (F) NO.1133/2019 IN FIRST APPEAL NO.697/2011

United India Insurance Company Ltd.

Vs.

Sunil S.Tayde (Dead) through LRs Smt. Nirmala S.Tayde and others.

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

Court's or Judge's Orders.

Shri M.P.Kariya, Advocate for applicants/claimants.
Shri C.A.Anthony, Advocate for non applicant/appellant.

CORAM : A.S.CHANDURKAR, J.

DATED : June 18, 2019

The claimants seek permission to withdraw the amount of compensation as deposited by the appellant. In the application it is stated that though the claim petition was filed on account of injuries suffered by the original claimant, during the pendency of the appeal the said claimant has expired. There is no other source of livelihood for the claimants and hence it is prayed that they be permitted to withdraw the amount of compensation.

The prayer is opposed by the learned counsel for the appellant on the count that identity of the offending vehicle and its involvement is disputed. It is also submitted that compensation has been awarded on a higher side.

Perused the impugned judgment. Considering the nature of evidence on record, for the present, the claimants are permitted to withdraw an amount of Rs.7,50,000/- (Rs.Seven lakhs fifty thousand) subject to filing of an undertaking that in case the appeal is allowed, the amount withdrawn by them shall be repaid with interest

at such rate the Court may direct. Out of the said amount. the applicant nos. 1, 2 and 3 are permitted to withdraw an amount of Rs.Six lakhs, while applicant no.5 is permitted to withdraw an amount of Rs. One lakh fifty thousand. Rest of the amount shall remain in fixed deposit.

The Civil Application is disposed of accordingly.

JUDGE

Andurkar.