

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

CIVIL APPLICATION (CAF) NO. 2440 OF 2019
IN
FIRST APPEAL NO. 563 OF 2019

New India Assurance Co. Ltd.

..VS..

Smt. Sangita @ Nutan wd/o Someshwar Patle and ors.

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

Court's or Judge's orders

Ms. Shilpa Tapdiya, Adv. For applicants/respondent nos. 1 to 3.
Shri B.P. Bhatt, Adv. For appellant.

CORAM : VINAY JOSHI, J.
DATED : 14th NOVEMBER, 2019

Heard.

2. This is an application for withdrawal of compensation amount which is deposited by appellant-Assurance Company in pursuance of order of this Court dated 21.08.2017. The respondent nos. 1 to 3 are the original claimants who had approached the Tribunal in terms of Section 166 of the Motor Vehicles Act, 1988 for grant of compensation on account of death of one-Someshwar. Learned Tribunal has granted compensation to the tune of Rs.11,60,060/- alongwith interest. The appeal will take some time for hearing since, there are some more defendants which are to be served. The applicants (Original claimants) are entitled for withdrawal, since the very purpose of grant of compensation is to provide means for survival to the family who lost their earning hand.

3. In view of that, the applicants are permitted to withdraw 75% amount subject to furnishing usual undertaking to the satisfaction of the Registrar (Judicial).
4. The Civil Application stands disposed of accordingly.

JUDGE

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