

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

Civil Application (CAF) No.3416/2019
in
First Appeal No.929/2016
Bajaj Allianz Insurance Co. Ltd. Vs. Sisam Raxa and others

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

Court's or Judge's orders

Mr. D.N. Kukday, Advocate for appellant
Mr. Shashikant Borkar for respondents No.1 and 2.

CORAM : MANISH PITALE, J.

DATED : SEPTEMBER 11, 2019

This is an application moved by the applicant / appellant insurance company seeking permission to deposit balance decretal amount, in terms of earlier order passed by this Court. It is submitted by the learned counsel for the appellant that the cheque for the said amount is ready for deposit. Hence, this application is disposed of by granting permission to the appellant to deposit the cheque for the balance amount with this Court within a period of two weeks.

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The learned counsel appearing for the respondents No.1 and 2 (original claimants), submits that an application was earlier moved on their behalf for permission to withdraw the amount deposited by

the appellant insurance company. But, since the appellant had failed to deposit the amount within stipulated period of time, said application stood disposed of without any effective order. In view of the fact that today the appellant has been granted permission to deposit the cheque of balance amount which is said to be balance decretal amount, a prayer is made on behalf of the respondents No.1 and 2 to permit them to withdraw at least 50% of the amount deposited by the appellant in this Court.

Having heard the learned counsel for the parties, this Court is of the opinion that it would be in the interest of justice that the aforesaid prayer made on behalf of the respondents No.1 and 2 is granted. Accordingly, upon deposit of the balance decretal amount by the insurance company, the respondents No.1 and 2 are permitted to withdraw at 50% of the amount on furnishing usual undertaking.

JUDGE