

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

CIVIL APPLICATION (F) No.3765 OF 2019
IN
FIRST APPEAL No.420 OF 2016

The Branch Manager, The National Insurance Co. Ltd.
VS.
Sunil s/o Bhanudas Varade and others

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

Court's or Judge's

Shri. S. D. Zoting, counsel for applicant/appellant.
Smt. Monali Pathade, counsel for respondents No.1 & 2.

CORAM : Manish Pitale J

DATED : 09.10.2019

This is an application filed on behalf of the respondents No.1 & 2 (original claimants) seeking permission to withdraw 50% of the amount deposited by the appellant insurance company in this Court.

2. It is relevant that an earlier application for withdrawal of amount filed on behalf of the said respondents was rejected by this Court on 09.03.2018, for the reasons that the said respondent had failed to place on record cogent material to support their contention that the amount was required for treatment of respondent No.2, who was suffering from mental illness.

3. In the present application, the stated reason for seeking withdrawal of 50% of the amount is that, the said respondents had spent considerable amount of money towards the education of deceased who was their son.

4. It is also candidly stated in the application that the said respondent did not have any document to show that the respondent No.2 had suffered from mental trauma due to the death of the victim in the present case.

5. Considering the aforesaid contents of the application, as also the nature of the grounds of challenge raised on behalf of the appellant insurance company, it would be in the interest of justice, that for the present, the respondents No.1 & 2 are permitted to withdraw 25% of the amount deposited by the appellant in this Court.

6. Accordingly, the application is partly allowed and respondents No.1 & 2 are permitted to withdraw 25% of the amount deposited by the appellant in this Court, subject to filing usual undertaking before learned Registrar (Judicial) within a period of four weeks from today.

JUDGE