

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

CIVIL APPLICATION (F) No.3625 OF 2019

IN

FIRST APPEAL No.452 OF 2018

Divisional Manager, National Insurance Company Ltd.

VS.

Smt. Shalini wd/o Anil Dethe and others

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

Court's or Judge's

Smt.Gauri Venkatraman, counsel for appellant.
Shri. N. P. Lambat, counsel for respondent No.6.

CORAM : Manish Pitale J

DATED : 30.09.2019

CIVIL APPLICATION No.3625 OF 2019

This is an application filed on behalf of respondent No.6 seeking permission for withdrawal of her share of the decretal amount deposited by the appellant in this Court.

2. A perusal of order dated 23.09.2019 would show that dispute in the present appeal has been restricted to amount of Rs.6,50,000/- from the total amount of compensation granted by the Tribunal. By the said order itself, the respondent claimants were permitted to withdraw 40% of the amount out of Rs.31,56,900/-, being undisputed amount.

3. In the application itself it is stated that in pursuance of the said direction granted by this Court, the respondent No.6 received Rs.4,83,076/- towards her share along with interest.

4. In the application it is pointed out that during the pendency of this appeal, one of the sons of respondent No.6 died and further that the other claimants (respondents) are no longer taking care of respondent No.6. It is further pointed out that there are two remaining sons of respondent No.6, of whom one is mentally challenged and it is also brought on record that lots of sums of money had to be spent by respondent No.6 for treatment of her husband and one of her sons who later expired.

5. In view of the above, sufficient grounds are made out by respondent No.6 for withdrawal of further amount lying in deposit before the Tribunal. Accordingly, this application is allowed and the respondent No.6 is permitted to withdraw her proportionate share from the remaining undisputed amount lying before the Tribunal. Since 40% of the amount was already permitted to be withdrawn by all the claimants 60% of the undisputed amount is still in deposit, of which the respondent No.6 (applicant herein) shall be entitled to $\frac{1}{4}$ th amount of her share. A calculation made by the learned counsel for the parties shows that the said amount comes to Rs.4,73,535/-. Accordingly, the respondent No.6 is

permitted to withdraw the said amount of Rs.4,73,535/- along with accrued interest from the Tribunal.

6. Application is disposed of.

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Since record and proceedings have been received, filing of private paper book by the appellant is dispensed with.

JUDGE

KOLHE