

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

**CIVIL APPLICATION (CAF) NO. 1700 OF 2018**  
**IN**  
**FIRST APPEAL STAMP NO. 10892 OF 2018**

Reliance General Insurance Company Ltd., through Divisional Manager, Nagpur.

V/s

Vandana wd/o Atmaram Paunikar and others.

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

*Court's or Judge's orders.*

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Shri H.N. Verma, counsel for the appellant.  
Shri A.R. Rishi, counsel for the respondent Nos.1 to 3 and 5.

**CORAM: ARUN D. UPADHYE, J.**

**DATE: 03-04-2019.**

Heard learned counsel for the appellant as well as learned counsel for the respondent Nos. 1 to 3 and 5. None present for the respondent No. 6, though served.

In view of the Pursis Stamp No. 16335/2018, the name of the respondent No.4 be deleted.

Perused the application. There is delay of 69 days in filing the appeal. For the reasons stated in the application, delay is condoned. Civil application is allowed.

**FIRST APPEAL STAMP NO.10892/2018**

Issue notice to the respondents, returnable on 24/04/2019.

Shri A.R. Rishi, learned counsel waives notice for the respondent Nos. 1 to 3 and 5.

Call for record and proceedings.

**CIVIL APPLICATION (CAO) NO. 1782/2018**

Heard learned counsel for the respondent Nos. 1 to 3 and 5 as well as learned counsel for the appellant.

Perused the impugned judgment and award, it appears that the respondent Nos. 2 and 3 are minor, and therefore, the amount of their share cannot be permitted to be withdrawn.

Considering the above facts and circumstances of the case, I am of the view that at the most, the respondent Nos.1 and 5 could be permitted to withdraw Rs.1,50,000/- each of their share. Remaining share amount be kept in fixed deposit till disposal of the appeal.

Hence, I pass following order :-

**ORDER**

- i] Civil application is partly allowed.
- ii] The respondent nos. 1 and 5 are permitted to withdraw Rs. 1,50,000/- each on furnishing usual undertaking to the effect that they will refund the amount, in case appeal is allowed.
- iii] Remaining amount be kept in Fixed Deposit till disposal of the appeal.

**JUDGE**