

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

CIVIL APPLICATION (CAF) NO.502 OF 2019
IN
FIRST APPEAL NO.996 OF 2011

The National Insurance Co. Ltd. and anr.

-vs-

Abdul Ajij s/o Abdul Rehman Sheikh and ors.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Shri C. A. Anthony, Advocate for appellant.

Shri Rahul Tajne, Advocate for respondent Nos.1 to 6.

CORAM : A.S.CHANDURKAR, J.

DATE : February 04, 2019

Heard the learned counsel for the parties on the prayer for permission to withdraw the amount of compensation deposited by the appellants.

The prayer is opposed by the learned counsel for the appellants on the ground that the insurance policy in question was not issued by the appellants.

Prima facie considering the fact that the claimants are third parties in so far as the accident in question is concerned, it is found that they are entitled to withdraw part of the amount as deposited by the appellants.

The claimants are therefore permitted to withdraw an amount of Rs.1,25,000/- subject to filing an undertaking within eight weeks stating therein that in case the appeal is allowed, said amount shall be repaid with interest at such rate the Court may direct. The remaining amount shall be invested in Fixed Deposit.

Civil application is allowed and disposed of.

JUDGE