

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

C.A.F.NO 4150/2019 IN F.A.NO. 681/2018.

The Manager, National Insurance Co. Ltd. Nagpur.

-VERSUS-

Shyamabai Gendlal Tikariya and others.

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

Court's or Judge's Orders

Shri A.I. Koware, Advocate h/f. S.D. Zoting, Advocate for
the Appellant.

Shri A. Hussain, Advocate for Respondent Nos.1 to 5.

CORAM : VINAY JOSHI, J.

DATE : 27.11.2019.

Heard.

2. This is an application by the original claimants seeking withdrawal of amount. The First Appeal is heard and dismissed on merits by this Court vide judgment and order dated 05.09.2019.

3. On 19.11.2019, this Court granted time to the insurance company to inform whether the final order of dismissal is challenged or not. Today also there is no positive submission from the side of the appellant.

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4. Since the award of the Tribunal has attained finality, there is no reason to deprive the claimants from the benefits which were crystallized. In view of that, the claimants are permitted to withdraw the amount as per award.

5. It is orally requested by the claimants that the amounts to the share of the original claimant no.5 Sarasvatabai i.e. mother of the deceased, be permitted to be withdrawn by the original claimant no.1 Shyamabai. The said request is made on the count that claimant no.5 is old aged lady and she is finding difficult to move.

6. In view of said submission, the amount assigned to the share of original claimant no.5 Sarasvatabai be disbursed to claimant no.1 Shyamabai, on furnishing specific power of attorney to that extent. Needless to mention that the amount be disbursed by account payee cheque in the name of the original claimant no.5. Civil Application stands disposed of accordingly. No costs.

JUDGE

Rgd.