

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

C.A.F.No.3251/2018 in First Appeal No.198 of 2017

National Insurance Company Limited.

Vs

Rajesh Shankarrao Gadpade through LR's Ranjana R.Gadpade 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 P.P.Pendke, Advocate for applicants..

Shri C.A.Anthony, Advocate for non applicant/appellant.

CORAM : A.S.CHANDURKAR, J.

DATE : 7th January, 2019.

The prayer is to permit the claimants to withdraw the amount of compensation as deposited. In the application, it is stated that during the lifetime of the victim by order dated 9th August, 2017, he was permitted to withdraw an amount of Rs.Five lakhs. The victim, however, expired on 5th October, 2017. In the application, it is stated that the widow and her two daughters be permitted to withdraw further amount on these facts. It is submitted that by order dated 9th August, 2017, liberty was granted to make a prayer for further withdrawal.

The application is opposed by the learned counsel for the appellant on the ground that the disability certificate that was filed before the Claims Tribunal has not been duly proved.

Perused the impugned judgment. In the facts of the case, the claimants are permitted to withdraw the amount of **Rs. Four lakhs** subject to filing an undertaking

within a period of eight weeks that in case the appeal is allowed, that amount shall be repaid with interest at such rate the Court may direct. The remaining amount shall remain in fixed deposit.

The civil application is disposed of.

JUDGE

Andurkar