

FARAD CONTINUATION SHEET No.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

FIRST APPEAL NO. 316/2015

(THE BR. MGR., NATIONAL INSURANCE CO.LTD, NAGPUR **VERSUS** MEENABAI CHUNNILAL
DASHMER & OTHERS)

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

Court's or Judge's orders

Shri D.N. Kukday, counsel for the appellant.
Ms Monali Pathade, counsel for the respondents.

CORAM : A.S. CHANDURKAR, J.

DATE : JANUARY 03, 2019.

It is submitted by the learned counsel for the respondents that the respondent no.5 has expired. He is survived by respondent nos.1 to 3 as his legal heirs.

The name of the respondent no.5 is permitted to be deleted in view of aforesaid statement.

Amendment be carried out forthwith.

C.A.F. NO. 3333/2018.

The claimants seek permission to further withdraw the amount of compensation that has been deposited by the appellant. In the application, it is stated that by an earlier order dated 31.08.2015, the claimants were permitted to withdraw 30% of the amount of compensation as deposited. As claimant nos.2 and 3 are pursuing their education, further amount be permitted to be withdrawn.

Application is opposed by the learned counsel for the appellant on the ground that part amount already stands withdrawn.

Considering the reasons mentioned in paragraph 5 of the application, the respondent nos.1 to 3 are permitted to withdraw further 20% amount from the amount as deposited. The respondent no.1 shall file undertaking within period of eight weeks from today stating therein that the amount withdrawn shall be re-deposited with interest at such rate the Court may direct, if the appeal is allowed.

Civil application stands disposed of.

JUDGE

APTE