

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

CIVIL APPLICATIN (CAF) NO. 4506 OF 2019
IN
FIRST APPEAL NO. 113 OF 2018

Oriental Insurance Co. Ltd., thr. Its Manager

..vs..

Alkabai wd/o Narayan Chauriwar and ors.

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

Court's or Judge's orders

Shri A.W. Paunikar, Advocate for appellant.
Shri K.S. Motwani, Advocate for respondent no. 1.

CORAM : VINAY JOSHI, J.
DATED : 20th DECEMBER, 2019

Heard.

2. The respondent no. 1 is seeking withdrawal of compensation amount on accepting undertaking instead of bank guarantee as has been ordered by this Court vide order dated 20.12.2019. Other side opposed this application by contending that already this Court has rejected said prayer. The record indicates that initially, the respondent no. 1 has taken out Civil Application No. 171 of 2017 seeking permission for withdrawal of amount.

3. Having regard to the facts, this Court vide order dated 20.12.2017 permitted withdrawal of entire amount with stipulation to furnish bank guarantee in the said sum. Later on, the respondent no. 1 was unable to arrange for bank guarantee, hence, moved in this Court vide Civil Application No. 788 OF 2018 for modification of the

conditional order. The said Civil Application was rejected by this Court vide order dated 16.03.2018.

4. In the wake of said situation, the respondent no. 1 is again praying for relaxation of condition. This Court has already rejected Civil Application No. 788 of 2018 for relaxation of condition for releasing entire amount.

5. It is submitted that, initially claim was filed by respondent no. 1 alongwith her son who is now no more. Considering the said circumstances, 50% amount can be released. It would be harsh to ask the widow to arrange bank guarantee particularly when there is no other male member in the family. However, taken into account, challenges raised in the appeal, certain securities is necessary to protect the interest of appellant in case they succeeds.

6. In view of that respondent no. 1 is permitted to withdraw 50% compensation amount of the deposited amount on furnishing solvent surety to that extent to the satisfaction of Registrar(Judicial)

7. Civil Application stands disposed of accordingly.

JUDGE

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