

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

CIVIL APPLICATION (CAF) NO. 80 OF 2019
IN
FIRST APPEAL NO. 514 OF 2007 (DECIDED)

New India Assurance Company Ltd. Tq. & Dist. Amravati
V/s
Shama Afroz wd/o Abdul Salim and others.

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

Court's or Judge's orders.

Shri P.R. Agrawal, counsel for the respondent Nos. 1 to 4.

CORAM: ARUN D. UPADHYE, J.
DATE: 29-03-2019.

Heard learned counsel for the respondent Nos. 1 to 4.

This is an application for withdrawal of the amount by
the claimants.

Perused the application as well as impugned judgment
and award. This appeal is filed by the appellant and dismissed by
order dated 7.4.2017 for non-compliance of the order dated
11.03.2016.

The counsel for the appellant is not present.

It appears that respondent No.4 is minor, therefore her
share cannot be permitted to be withdrawn. At the most, respondent
Nos. 1 to 3 are entitled to withdraw their share from the amount
deposited by the appellant in this Court. The respondent Nos. 1 to 3
are permitted to withdraw 1/4th share each with accrued interest

on filing usual undertaking to the effect that, they will refund the amount in case appeal is restored and allowed. Remaining amount of 1/4th share with accrued interest kept in fixed deposit till the respondent No.4 attain majority.

Civil application is allowed.

JUDGE