

Uday S. Jagtap

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**INTERIM APPLICATION NO. 3190 OF 2019
IN
FIRST APPEAL (ST.) NO. 821 OF 2019**

Raghunath Kedu Pawar & Anr.

.. Applicants

Vs.

The Divisional Officer, Shriram G.I.C. Ltd.,
and Ors.

.. Respondents/
Orig. Appellant

.....

Mr. Pritesh K. Bhoade for the applicants-claimants

Mr. Nikhil Mehta i/b KMC Legal Venture for respondents

CORAM : PRITHVIRAJ K. CHAVAN, J.

DATED : 28th JANUARY, 2021

P.C.

1. The applicants who appear to be illiterate, as they have put their thumb impression on the application of withdrawal, have prayed for withdrawal of the amount of compensation.

2. It is specifically stated in paragraph 6 of the application that the applicants have not received a single penny since last 4 years. However, it is brought to my notice by the learned Counsel for the respondent – insurer that this Court (Coram : Justice K.K. Tated, J.) on 30th August, 2019, while granting stay to the execution of the award passed by the M.A.C.T., Niphad, Dist. Nashik dated 10th May, 2018, directed the insurer to deposit a sum of Rs.1,00,000/-, out of which the claimants were permitted to withdraw

Rs.25,000/- each with accrued interest, without any security.

3. *Prima facie*, it appears that this fact has not been brought to the notice of this Court in the application which was moved on 14th November, 2019. Though, the learned Counsel for the applicants submits that it is due to inadvertence, it is difficult to accept that it is due to inadvertence in view of the fact that the application has been verified by the party which also bears the signature of the learned Counsel for the applicant.

4. Be that as it may. However, learned Counsel seeks to withdraw the application. Permission is granted.

5. The application is disposed of as withdrawn.

(PRITHVIRAJ K. CHAVAN, J.)