

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

CIVIL APPLICATION NO. 1621 OF 2021

IN

FIRST APPEAL (ST.) NO. 3969 OF 2021

(Magma HDI General Insurance Co. Ltd., Nagpur Vs. Vijya wd/o Sanjay Patte & ors.)

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri A.P. Bhuihar, Advocate for the appellant.
Shri B.S. Mandhare, Advocate h/f Shri P.S. Mirache,
Advocate for respondent Nos.1 to 3.

CORAM:- PUSHPA V. GANEDIWALA, J.

DATED :- AUGUST 24, 2021

Heard.

2. By way of this application, the claimants/respondent Nos.1 to 3 seek permission to withdraw an amount of Rs.34,76,428/- which was deposited by the appellant on 07/04/2021 before the Registry of this Court.

3. It is stated that the appellant/Insurance Company has deposited 50% of the decretal amount as per its liability along with interest thereon i.e. total Rs.34,76,428/-.

4. It is stated that the applicant No.1 is a widow while applicant Nos.2 and 3 are the sons of the deceased.

5. At the time of accident the age of the deceased was 47 years and he was an employee of

Western Coal Fields Ltd. It is further submitted that the respondent Nos. 2 and 3 are the students and dependent on the income of the deceased, since the death of the deceased they are suffering financial crisis.

6. Considering the aforesaid submission, the applicants who are the decree holder are permitted to withdraw 50% of the amount of Rs.34,76,428/- along with proportionate interest accrued thereon on furnishing usual undertaking.

7. The application stands disposed of.

JUDGE

**DB*