

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

CIVIL APPLICATION (CAF) NO.1771/2021

IN

FIRST APPEAL NO.1669/2008 (D)

New India Assurance Co. Limited, Akola through its Regional Manager, Nagpur

...Versus...

Mohd. Rafique son of Abdul Gaffar and another

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

Court's or Judge's orders

Shri C.A. Joshi, Advocate for respondent no.1/applicant
Shri M.B. Joshi, Advocate for appellant

CORAM : AVINASH G. GHAROTE, J.

DATE : 26/10/2021

Shri C.A. Joshi, learned Counsel for the applicant seeks to withdraw the amount of Rs.48,900/- along with interest thereupon @ 7% p.a. from the date of petition i.e. 11/12/2006 till realization, which would be the date of the deposit, which is dated 6/2/2009. It is an admitted position, that this amount has not been paid to the applicant/original claimant and has been deposited in the Bank as a fixed deposit. The applicant, therefore, shall be entitled to withdraw Rs.48,900/- with interest @ 7% p.a. for the above duration. In case the said amount has been invested in a fixed deposit, the applicant shall also be entitled to interest accrued thereupon

till the date of realization. The balance amount be refunded to the appellant, in terms of the judgment dated 13/09/2019 in First Appeal No.1669/2008.

The civil application is disposed of in the above terms. There shall be no order as to costs.

(AVINASH G. GHAROTE, J.)

Wadkar