

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

**INTERIM APPLICATION NO.18341 OF 2022
IN
FIRST APPEAL NO.362 OF 2017**

Balaji @ Devidas Fakira Nikam and Anr. ...Applicant

Versus

The Divisional Manager, The New India
Assurance Co. Ltd. ...Respondent

...

Mr. Sharad T. Bhosale for the Applicant.
Mr. D.R. Mahadik for the Respondent

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATED : 7th OCTOBER, 2022.

P. C. :-

1. Learned counsel for the Applicants states that during the pendency of the application, Respondent No. 1 has expired. Necessary endorsement be made as against Respondent No.1. Cause title be amended forthwith.

2. By this application, the Applicant has sought withdrawal of compensation deposited by the Appellant-Insurance Company.

3. Having considered the reasons stated in the application as well as the grounds stated in the appeal memo, Respondent No.2- Nanda Balaji@ Devidas Nikam is permitted to withdraw 25% of the

compensation with proportionate interest subject to an undertaking that the amount shall be refunded with interest in the event the Appellant succeeds in the appeal.

4. Application stands disposed of.

(SMT. ANUJA PRABHUDESSAI, J.)

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