

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

CIVIL APPLICATION NO. 1133 OF 2022
IN
FIRST APPEAL NO. 319 OF 2014

The National Insurance Co. Ltd. Wardha thr. its Regional Office, Nagpur

...VERSUS...

Smt. Nirmalabai Wd/o. Omprakash Bawne and ors.

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

Court's or Judge's order

Shri B.K.Suchak, Advocate h/f. Shri Cecil A.Anthony, Advocate for appellant.
Shri A.S. Ghatole, Advocate for applicants/respondent nos. 1 to 4.

CORAM : SMT. M. S. JAWALKAR,J.

DATE : 15th JULY, 2022.

The present application is filed by the respondent/claimant nos. 1 to 4 for direction to permit the respondent nos. 1 to 3 to withdraw the compensation amount deposited by the appellant company.

2. The total decretal amount of Rs. 18,43,227/- was deposited by the appellant on 06/11/2013 before M.A.C.T., Wardha. It appears that by order dated 24/02/2015 passed by this Court, respondent nos. 1 to 3 were permitted to withdraw an amount of Rs. 6,00,000/-.

3. For the reasons stated in the application, it will be appropriate to allow the respondent nos. 1 to 3 to withdraw 50% of remaining amount lying with M.A.C.T., Wardha, subject to the undertaking to that effect, that if the appellant will be succeeded in

the appeal, respondent/claimant nos. 1 to 3 will refund the amount as per final order in the present appeal. The respondent no. 4 after attaining the age of majority will be entitled to receive the same.

4. The Registry, M.A.C.T., Wardha is directed to disburse 50% of remaining amount along with accrued interest to respondent nos. 1 to 3 equally and be credited in their joint account, after withdrawal of Rs. 6,00,000/- by the order dated 24/02/2015.

(Smt. M.S. Jawalkar, J.)

B.T.Khapekar