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

CIVIL APPLICATION (CAF) NO. 1430/2022
IN
FIRST APPEAL (FA) NO. 153/2020
THE ORIENTAL INSURANCE CO. LTD.
..VS..
SMT. SHILABAI WD/O HARISHCHANDRA JADHAO AND OTHERS

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

Shri C.A. Anthony, Advocate for appellant/non-applicant

CORAM : NITIN W. SAMBRE, J.
DATED : 29/08/2022

None for the claimants/applicants.

This is an application taken out by the claimants for permission to withdraw the amount of compensation.

The prayer is strenuously resisted by the learned Counsel for the appellant – Insurance Company as according to him the license was duly exhibited which demonstrates that the claimants are not entitled for entire amount of compensation.

I have appreciated the said submission.

It appears that the appellant – Insurance Company has not examined any witness in support of its contentions raised in written statement (Exh. 25). As the appellant – Insurance Company has failed to discharge its burden, in my opinion, the prayer of the claimants for withdrawal of the amount needs to be granted.

That being so, the civil application stand allowed.

The claimants are permitted to withdraw amount of compensation subject to furnishing an usual undertaking that in

case, the Appeal is allowed, the amount shall be redeposited as shall be directed.

(NITIN W. SAMBRE, J.)

SANDIP MAHADEV GATE

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