

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

CIVIL APPLICATION [CAF] NO.1337 OF 2022

IN

FIRST APPEAL NO.70 OF 2012 [DECIDED]

[The Manager, The National Insurance Company Limited, Bhandara .vs. Shri Manohar s/o
Mahadev Dhotre and others]

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

Court's or Judge's orders

Shri V.R. Thote, Advocate for respondent nos.1 and 2,
None for appellant.

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

DATE : 29/06/2022.

Present application is filed by respondent no.1 for withdrawal of amount of compensation deposited as per the settlement arrived at between the parties before National Lok Adalat dated 12.03.2022.

2. It appears that appellant/insurance-company has deposited decretal amount in this Court. Thereafter, respondent nos.1 and 2 have moved an application for grant of permission to withdraw the same by filing Civil Application (CAF) No.1141/2015. This Court, vide order dated 14.09.2015, allowed to withdraw 50% of amount so deposited.

3. The matter was listed before National Lok Adalat on 12.03.2022. On that day, parties arrived at

settlement. It was agreed that the appellant/insurance-company is allowed to be refunded Rs.50,000/- and after refunding the amount, appellant-insurance company agreed to allow the respondent-claimants herein to withdraw the same. However, respondent no.2 expired on 09.04.2020. It appears that this fact was not brought on record by the counsel. However, in the present case, application supported by affidavit. Applicant no.1 made a statement that there are no other legal representative of applicant no.2, except applicant no.1. Accordingly, prayer was made to allow respondent no.1 to withdraw remaining amount. The death certificate is placed on record.

4. In view thereof, I do not see any reason for not allowing this application. Respondent no.1 is allowed to withdraw the amount of compensation along with accrued interest thereon as per the award passed in National Lok Adalat on 12.03.2022.

5. Application is allowed and disposed of accordingly.

[Smt. M.S. Jawalkar, J.]

Gulande