

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

First Appeal No.331/2021

Bharti Axa General Insurance co. Ltd. Vs. Sajida Begam wd/o Mehmood Khan & Ors.

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

Court's or Judge's Orders

Shri A.P. Bhuibhar, Advocate h/f Shri R.D. Bhuibhar, Advocate for the Appellant.
Shri B.S. Mandhare, Advocate for Respondent No.1.

CORAM : SMT. ANUJA PRABHUDESSAI, J.
DATE : 17th JANUARY, 2022.

01] The Appellant had deposited 75% of the decretal amount pursuant to the order dated 7th May, 2021. The Appellant to deposit balance 25% amount along with interest within four weeks from the date of this order.

Civil Application (CAF) No.2138/2021

02] By this application, the Respondent No.1, who is the original claimant has sought withdrawal of the compensation deposited by the Appellant before this Court.

03] The Respondent No.1 is the mother of the deceased. It is stated that she is 70 years of age. It is further stated that the deceased was the sole earning member of the family and that the Respondent No.1, being a widow and is of advanced age, has no other source of income.

04] Considering the reasons stated in the application, the Respondent No.1-Sajida Begum is permitted to withdraw 50% of the amount deposited along with proportionate interest accrued thereon. The withdrawal shall be subject to the final outcome of the appeal.

The Respondent No.1 shall give an undertaking that the amount, which has been withdrawn, will be repaid along with interest in the event the Appellant succeeds in the appeal.

05] The civil application stands disposed of.

06] Matter be listed after four weeks.

(SMT. ANUJA PRABHUDESSAI, J.)

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