

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

CIVIL APPLICATION (CAF) NO. 812/2023 IN
FIRST APPEAL STAMP NO. 10242/2016

The New India Assurance Company Ltd., Nagpur, Thr. Manager
Vs
Kumchand S/O. Punaji Kore And Others

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

Court's or Judge's Order

Ms Anita Mategonkar, advocate for the appellant.

Mr Kunal Mirache, advocate for the respondent Nos. 5 to 10.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 17/04/2023.

1. Heard.
2. The present application is for seeking permission for withdrawal of the amount of Rs. 04,03,400/- along with accrued interest thereon.
3. The said application is strongly opposed by the learned advocate for the appellant on the ground that the learned trial Court had not considered the aspect of contributory negligence and awarded the compensation.
4. In view of the reasons mentioned in the application and the objection raised, respondent No. 1 is permitted to withdraw 50% of the amount along with accrued interest on usual undertaking on due identification and verification.

Civil application is disposed of.

JUDGE