

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

**CIVIL APPLICATION NO.441 OF 2023 IN
FIRST APPEAL NO.1374 OF 2018**

(National Insurance Co. Ltd. Vs. Sumedha wd/o Ravindra Dhabekar and ors.)

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

Court's or Judge's Order

Shri D.N. Kukday, Advocate for the appellant.
Shri H.M. Bobade, Advocate for the respondent Nos.1 to 4.

CORAM:- URMILA JOSHI-PHALKE, J.
DATED :- MARCH 08, 2023.

Heard.

2. By this application, respondent Nos.1 to 4 are seeking permission for withdrawal of the amount deposited by the appellant.

3. The appellant-Insurance company has challenged the judgment and award dated 21/12/2017 passed in MACP No.20/2012 by Motor Accident Claims Tribunal, Bhandara.

4. As per the contention of the claimants though award is passed in their favour they have not received any amount towards the compensation. Respondent No.4 wants to pursue his higher studies abroad, and therefore, he is in need of money. It is further contended that respondent No.1 is widow. She has no source of income and for meeting the financial needs she also requires the amount.

5. At the same time, Shri Kukday, learned Counsel for the appellant submitted that in fact,

respondent Nos.2 and 3 are not dependent on the deceased, and therefore, they are not entitled for compensation amount. He further submitted that as the Tribunal has awarded exorbitant amount of compensation, same is challenged before this Court. In view of that the application be rejected.

6. Heard both the sides and perused the application.

7. In view of the reasons mentioned in the application and considering the objection raised it will be just and appropriate to permit respondent No.4 to withdraw 50% of the amount of compensation on usual undertaking.

8. Amount be disbursed on due identification and verification.

9. Civil application is disposed of.

FIRST APPEAL NO.1374 of 2018

Heard.

2. The appellant to file private paper book within eight weeks.

3. The appeal be placed for final hearing after filing of the paper book, its verification as per its turn.

(URMILA JOSHI-PHALKE, J.)

**Divya*