

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

**CAF NO.357/2023 IN FA NO.853/2019
IFCO Tokio General Insurance Co.Ltd.**

..VS..

Sadashiv Tulshiram Naitam and ors

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

Court's or Judge's Order

.....
Shri R.M.Mardikar, Counsel for Applicants/R-1 to 4.
Ms Anjali Agrawal, Counsel for the Appellant.

CORAM : URMILA JOSHI-PHALKE, J.

DATED : 22/02/2023

1. By this application, respondent Nos.1 to 4 seek withdrawal of compensation amount deposited by the appellant.

2. According to learned counsel for respondent Nos.1 to 4, respondent Nos.1 and 2 have lost their son in alleged accident who was only earning member of family. As they have not received a single pie till now, they be permitted to withdraw the amount.

3. Learned counsel Ms Anjali Agrawal for the appellant opposes the application on the ground that there is breach of policy.

4. For reasons stated in the application, the application is **allowed**.

5. Respondent Nos.1 to 4 are permitted to withdraw 50% of the deposited amount along with accrued interest thereon on furnishing usual undertaking. The amount be

disbursed on due verification and identification.

6. The record and proceedings are already received.
7. The appellant to file paper book within a period of eight weeks from today.
8. Office to list the appeal for final hearing after paper book is filed as per turn.
9. The application is **disposed** of.

(URMILA JOSHI-PHALKE, J.)

!! BrWankhede !!

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2023.02.23
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