

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

CIVIL APPLICATION NO.685 OF 2023

IN

FIRST APPEAL NO.346 OF 2022

(The Divisional Manager, Oriental Insurance Co. Ltd. Vs. Moreshwar Namdeo Wandhare & ors.)

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

Court's or Judge's Order

Mrs. Mrunal Naik, Advocate for the appellant.
Ms Kirti Satpute, Advocate for 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.

3. As per the contention of the respondents due to the death of the deceased who is the father of the respondents, the respondents are facing financial crisis as they have lost their income source. Though award is passed in their favour they have not received the amount of compensation and hence, they be permitted to withdraw the same.

4. Said application is strongly opposed by the learned Counsel for the appellant on the ground that the amount of compensation awarded by the Tribunal is exorbitant one, therefore, the Insurance company has challenged the quantum.

5. In view of the reasons mentioned in the application and by considering the objection raised, at this

stage it will be appropriate and just to permit respondent Nos.1 to 4 to withdraw 50% of the amount on usual undertaking. Therefore, respondent Nos.1 to 4 are permitted to withdraw 50% of the amount along with accrued interest on usual undertaking.

6. Civil application is disposed of.

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Heard.

2. Mrs. Naik, learned Counsel for the appellant submitted that respondent No.6 – driver is reported to be dead.

3. She will take necessary steps to delete the name of respondent No.6 and she will file appropriate application to serve respondent No.5 by substituted service.

4. Liberty is granted to the appellant to delete the name of respondent No.6.

5. Stand over to three weeks for filing the application for paper publication.

(URMILA JOSHI-PHALKE, J.)

**Divya*