

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

**CIVIL APPLICATION NO.1227 OF 2021 IN
FIRST APPEAL NO.238 OF 2021**

(Shriram General Insurance Co. Ltd. Vs. Smt. Pushpa Vasant Ghate 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 H.N. Verma, Advocate for the appellant.
Shri R.S. Akbani, 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.

3. As per the contention of the claimants, the Tribunal has awarded the compensation amount to the tune of Rs.33,53,600/-. After adding the interest amount it comes to Rs.55,48,918/-. The claimants are requesting for disbursement of the said amount for their need.

4. Said application is strongly opposed by Shri Verma, learned Counsel for the appellant on the ground that no reason is mentioned in the application for what purpose they require the said amount. He further submitted that the death of the deceased due to the accidental injuries is in question. He submitted that though deceased has sustained injuries in an accident but his death is not due to the accidental injuries, but it is due to the heart attack. Therefore, the appellant has challenged the said judgment and award.

5. For the above reasons, respondents prayer deserves to be rejected.

6. Heard both the sides and perused the application as well as submissions made by both the parties.

7. It is not in dispute that initially deceased has met with an accident. The issue raised is that his death is not due to the accidental injuries but it is a natural death.

8. In view of the reasons mentioned by the learned Counsel for respondent Nos.1 to 4 and the objections raised, at this stage it will be appropriate to permit respondent Nos.1 to 4 to withdraw 50% of the amount on undertaking to the extent that if the appellant succeeds in the appeal, the additional amount which is received by the appellant shall refund the same to the appellant.

9. Civil application is disposed of.

FIRST APPEAL NO.238 of 2021

Heard.

2. Record and Proceedings is already received.

3. Paper book is dispensed with.

4. The appeal be placed for final hearing after three weeks at the end of admission board.

(URMILA JOSHI-PHALKE, J.)