

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

CIVIL APPLICATION (CAF) NO.619 OF 2023
IN
FIRST APPEAL NO.160 OF 2023

HDFC ERGO General Insurance Co. Ltd., Through Divisional Manager
Vs.

Sau. Anita Prakash Bansode and others

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

Court's or Judge's orders

Mr. A. M. Kukday, Advocate for the appellant.
Mr. Sunil Kulkarni, Advocate h/f Ms. Sunita Sunil Kulkarni, Advocate for the
respondent No.1.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 13/03/2023

1. This application is filed by the respondent No.1 for seeking permission for withdrawal of the amount.
2. As per contention of the respondent No.1, her son died in an unfortunate accident, who was the earning member of the family. Due to his death, now she has no source of income and facing financial crisis. In view of that, she may be permitted to withdraw the amount of compensation.
3. Said application is strongly opposed by the learned Advocate Mr. Kukday for the appellant on the ground that appellant has challenged the Judgment and Award on the points of quantum as well as breach of policy that offending vehicle driver was not having valid

and effective driving licence, and therefore prayed for rejection of the application.

4. Heard both the sides. Perused the application.

5. In view of the reasons mentioned in the application and after considering the submission made by the learned Advocate Mr. Kukday, it will be appropriate and just to permit the respondent No.1 to withdraw 75% of the amount of compensation on usual undertaking. The amount be disbursed on due identification and verification.

6. Civil Application is disposed of.

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1. Issue a reminder to the Motor Accident Claims Tribunal, Buldhana for sending the record and proceedings in the appeal. After receipt of the record and proceedings, the appellant shall file copies of the depositions and also supply the same to the other side. Paper book is dispensed with.

2. Place the matter for final hearing at the admission stage, after filing of the compilation of the depositions.

(URMILA JOSHI-PHALKE, J.)

Sarkate