

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

CIVIL APPLICATION (F) NO.636 OF 2023

IN

FIRST APPEAL NO.66 OF 2023

[HDFC ERGO General Insurance Co. Ltd. ..V/s.. Sau. Damayanti
Bhanudas Das and Ors.]

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

Court's or Judge's order

Mr A. M. Kukday, Advocate for Applicant/Appellant.
Mr/Ms S. V. Kulkarni, Advocate for Respondent No.1.

CORAM : URMILA JOSHI-PHALKE, J.

DATE : 6th MARCH, 2023.

. By this application, the original claimant - respondent No.1 is seeking permission to withdraw the amount deposited by the appellant.

2. As per the contention of the original claimant, she has lost her son in an accident. Motor Accident Claims Tribunal, Buldana (for short, "the Tribunal") has awarded the compensation, however, she has not received a single penny towards the compensation. Her son was the only earning hand in the family. Due to his death, they have no source of income and dependent upon the compensation amount. Hence, she may be permitted to withdraw the compensation amount.

3. Said application is strongly opposed by Mr Kukday, learned Advocate for applicant/appellant on the ground that the Tribunal has awarded exorbitant compensation, and hence, application deserves to be rejected.

4. I have heard learned Advocate appearing for the parties and perused the application.

5. In view of the reasons mentioned in the application and objection raised, it will be appropriate and just to allow the respondent No.1 to withdraw 75% of the amount of compensation on usual undertaking.

6. Amount be disbursed to the respondent No.1 alongwith accrued interest on due identification and verification.

7. Civil Application No.636 Of 2023 is disposed of.

JUDGE

TAMBE