

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

CIVIL APPLICATION (CAF) NO. 1806/2022 IN
FIRST APPEAL STAMP NO. 9877/2020

Reliance General Insu. Co. Ltd., Thr. Manager, Nagpur Office, Nagpur

Vs

Sanjeevni Anil Dhawak And Others

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

Court's or Judge's Order

Mr D.N. Kukday, counsel for the appellant.

Mr M.R. Joharapurkar, counsel for the respondent Nos. 1 to 4/applicant.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 06/04/2023.

1. Heard.

2. The present application is filed for seeking permission to withdraw the decretal amount deposited by the appellant.

3. As per the contention of the claimants, they have lost their earning hand in the accident i.e. the husband of respondent No.1. Due to the death of earning member in the Family, now they are facing financial crises. Though the tribunal has not awarded the amount of compensation, however, they have not received a single penny towards compensation. Respondent No.1 has to incur the expenses towards the education of respondent Nos. 2 and 3, and therefore, respondent No.1 is in need of money.

4. The said application is strongly opposed by the learned counsel Mr D.N.Kukday, on the ground that the appellant/insurance company has challenged the judgment and award which is excessive and exorbitant.

5. Moreover, despite the breach of the terms and conditions, the tribunal has been saddled with the responsibility of paying compensation to the Insurance Company.

6. Considering the reasons mentioned in the application and in view of the objections raised, it will be appropriate to permit the respondent Nos. 1 to 4 to withdraw the 50% amount of compensation along with accrued interest, as per the apportionment drawn by the Tribunal, on due identification and verification.

Civil Application is disposed of.

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The appellant is to take the necessary steps to serve respondent Nos.5 and 6.

The appeal be placed before the Court after Summer Vacation.

JUDGE