

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

CIVIL APPLICATION (CAF) NO. 770/2023
IN FIRST APPEAL NO. 576/2014

Rajkumar S/o Jankiram Agrawal
Vs
Anita Wd/o Rajendra Wankhede And 4 Others

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

Court's or Judge's Order

Mr J.M. Gandhi, counsel for the appellant.
Mr N.G.Solao, counsel for the respondents.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 30/03/2023.

1. Heard.
2. By this application, respondent Nos. 1 to 5 are seeking permission to withdraw the amount on the ground that respondent No.1 has no source of income. She has to perform the marriage of respondent No.3 – Arti d/o Rajendra Wankhede and therefore, she requires the amount to incur the expenses.
3. The said application is strongly opposed by Mr J.M. Gandhi, learned counsel for the appellant on the ground that the appellant is the owner of the offending vehicle and filed this appeal, and challenged the said judgment and award of the Tribunal. A substantial amount is already withdrawn by the claimants. Tomorrow, if the appellant

succeeds in the appeal then it will difficult for the appellant to recover the amount of compensation.

4. Considering the reasons mentioned in the application and objection raised, it will be just and appropriate to permit the respondent Nos.1 to 4 to withdraw the amount on undertaking that if the appellant succeeds in the appeal, they have to refund the amount of compensation, as per the directions of the court.

5. Civil application is disposed of.

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Private paper-book is already filed. Place the matter for final hearing on 24/4/2023.

JUDGE