

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

CIVIL APPLICATION (CAF) NO.1052 OF 2023

IN
FIRST APPEAL NO.222 OF 2023

New India Assurance Co. Ltd.,
Vs.
Varsha wd/o Vikas Goley 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. B. P Patil, Advocate for appellant.
Ms. Aastha Sharma, Advocate h/f Mr. P R. Agrawal, Advocate for respondent Nos.1 to 4.

CORAM : URMILA JOSHI-PHALKE, J.

DATED : 24/04/2023

1. Present application is for seeking permission for withdrawal of the amount of compensation.
2. As per contention of the applicants/claimants, applicants have lost the earning hand in the accident on account of which the compensation was claimed. The learned Tribunal has awarded the compensation of Rs.18,36,000/- along with the 6% interest. After passing of the award as the appellant has challenged the judgment and award, applicants could not receive the fruits of the award. The applicant/respondent Nos.1 to 4 is in dire need of the amount, and hence, they may be permitted to withdraw the amount.

3. The said application is strongly opposed by learned Advocate Mr. Bhatt for the appellant on the ground that present award is challenged on the quantum as well as by raising the defence of valid driving licence which is breach of policy.

4. In view of the reasons mentioned in the application and the objection raised by the learned Advocate for the appellant, it will be appropriate at this stage to permit respondent Nos.1 to 4 to withdraw 75% of the amount along with accrued interest on usual undertaking, on due identification and verification.

5. Civil Application is disposed of.

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Appeal be placed after filing of the paper book, its verification, as per its own turn.

(URMILA JOSHI-PHALKE, J.)

Sarkate