

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

**CIVIL APPLICATION NO. 1112 OF 2022 IN
FIRST APPEAL NO.111 OF 2013**

Bajaj Allianz General Insurance co. Ltd. ..vs.. Mrs. Chandrakalabai wd/o Bandu Deshmane
and ors.

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

Court's or Judge's Order

Shri D.N. Kukday, Advocate for the appellant.
Shri M.P. Kariya, Advocate for the respondent No.1.

CORAM:- URMILA JOSHI-PHALKE, J.
DATED :- FEBRUARY 17, 2023.

Heard.

2. By preferring this application, respondent Nos.1 to 3 are seeking permission to withdraw the amount. The appellant-Insurance Company had deposited Rs.17,07,201/- on 06/04/2013 out of which respondent Nos.1 to 3 are already permitted to withdraw Rs.5,00,000/-. Now as per the contention of the respondent Nos.1 to 3 that the marriage of respondent No.2 was performed but respondent No.1 has borrowed the amount from the others and she has to repay the same.

3. Said application is strongly opposed by Shri D.N. Kukday on the ground that the appellant-Insurance Company has challenged that the vehicle is not at all insured with the appellant-Insurance Company. The Insurance Company has not issued any policy against the offending vehicle.

4. Considering the submission and the objection raised by the learned Counsel for the appellant it would be just and proper considering the dire need of respondent Nos.1 to 3 to permit respondent Nos.1 to 3 to withdraw the amount of Rs.5,00,000/- on furnishing security to the effect that if in future the judgment and award is reversed by this Court, respondent Nos.1 to 3 are liable to refund the amount by depositing the same in the Court.

5. In view of that application is allowed. Respondent Nos.1 to 3 are permitted to withdraw the amount of Rs.5,00,000/- on furnishing security to the effect that they would repay the amount on reversal of the judgment of the tribunal.

6. Civil application is disposed of.

CROSS-OBJECTION ST.NO.13802 OF 2022

This cross-objection is filed by the cross-objectors for enhancement of the compensation. They have already deposited the Court fee stamp.

2. The minor objection is taken by the Registry as there no stamp.

3. Considering the same, cross-objection is taken on record. Minor objection is dispensed with.

4. Place the matter for final hearing on 15/03/2023 at the end of admission board.