

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

CIVIL APPLICATION (CAF) NO.1124 OF 2023

IN
FIRST APPEAL NO.181 OF 2020

Reliance General Insurance Co. Ltd., Nagpur through its Divisional Manager, Nagpur
Vs.

Smt. Kavita wd/o Anil Lokhande 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. D. N. Kukday, Advocate for appellant.
Mr. R. D. Bhuibhar, Advocate for respondent Nos.1 to 3.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 24/04/2023

1. Present application is seeking permission to withdraw Rs.15,00,000/- requires for the marriage of respondent No.2 deposited by the appellant/Insurance Company.

2. The learned Tribunal has awarded Rs.66,05,230/-. The Insurance Company has deposited the amount along with accrued interest to the tune of Rs.1,02,06,463/- out which the claimants have already withdrawn Rs.35,72,262/-. Now the claimant/respondent Nos.1 to 3 are seeking permission for withdrawal of the amount on account of marriage of respondent No.2.

3. The said application is strongly opposed by the learned Advocate Mr. Kukday for the appellant on the ground that the maximum amount is already withdrawn

by the claimants. Now appeal is to be disposed of at the admission stage itself. So, the appeal be taken for the final disposal by keeping the application pending.

4. Heard both the sides. Perused the application. There is no dispute regarding the amount deposited by the Insurance Company. Considering the defence raised by the Insurance Company at this stage, in view of the ground raised that the amount is required for the marriage of respondent No.2, the claimants can be permitted to withdraw the amount of Rs.15,00,000/- along with accrued interest, subject to the undertaking to the effect that if the appellant succeeds in the appeal and the judgment is reversed, the respondents shall refund the amount as per the direction of this Court.

5. With the above said condition, the respondent Nos.1 and 2 are permitted to withdraw the amount of Rs.15,00,000/- for the marriage expenses of respondent No.2 along with the accrued interest.

6. Amount be disbursed on due identification and verification.

7. Civil Application is disposed of.

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1. Learned Advocate Mr. Kukday for the appellant submitted that paper book is ready but it is prepared in the old format.

2. Registry to accept the said paper book in old format, considering the appeal is fixed for final disposal

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at the admission stage.

3. Appeal be placed for final hearing after Summer Vacation.

(URMILA JOSHI-PHALKE, J.)

Sarkate