

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

CIVIL APPLICATION (CAF) NO. 1445/2023 IN
FIRST APPEAL NO. 140/2023

Reliance General Insurance Co. Ltd., Nagpur through Authorized Officer, Mumbai
Vs.

Smt. Bhawika Wd/o Prakash Ambade and others

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

Court's or Judge's orders

Shri D.N. Kukday, Advocate for appellant
Ms M.M. Zunke, Advocate for respondent Nos. 1 to 3

CORAM : SMT. M.S. JAWALKAR, J.
DATE : 13/07/2023

Present application is filed by respondent Nos. 1 to 3/original claimants for grant of permission to withdraw decretal amount deposited by the appellant with this Court. The appellant has deposited total decretal amount along with accrued interest on 08/03/2023.

2. Respondent No.1 is a widow and respondent Nos. 2 and 3 are son and daughter of deceased Prakash Ambade.

3. For the reasons stated in paragraph No.5, it would be appropriate to allow the respondent Nos. 1 to 3 to withdraw 50% of total amount of compensation and accrued interest thereon. Accordingly, proceed to pass the following order :

ORDER

- i) Application is partly allowed.
- ii) Respondent Nos. 1 to 3 are permitted to withdraw 50% of decretal amount deposited along with accrued interest on furnishing undertaking to the effect that they would re-deposit the amount, if appellant would succeed in first appeal.
- iii) After the disbursement of amount, out of remaining amount, amount be deposited in fixed deposit as per Clause – 6 of the award.

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Re-issue notice to the respondent No.4, returnable within three weeks.

(SMT. M.S. JAWALKAR, J.)