



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

CIVIL APPLICATION (CAF) NO. 1702 OF 2023
IN
FIRST APPEAL NO. 188 OF 2023

NEW INDIA ASSURANCE CO. LTD, PACHMARI, HOSHANGAB, THR. THIRD PARTY HUB MANAGER, NAGPUR

...VERSUS...

HEMLATA WD/O. ARVIND BONDHATE AND ORS.

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

Court's or Judge's order

Ms. S.H.Bhatia, Advocate for appellant.

Shri Asgar Hussain, Advocate for respondent no. 1 to 3/applicants.

CORAM : SMT. M. S. JAWALKAR,J.

DATE : 19th AUGUST, 2023

The present application is filed for grant of permission to withdraw 80% of the amount of compensation deposited by the appellant in this Court.

2. The learned counsel for the applicants has drawn my attention to the Ground No. (iii) of the appeal, from which, it appears that there is dispute over the amount of Rs. 8,09,446/-, whereas the total amount of compensation of Rs. 54,87,185/- has been awarded.

3. Though the application is opposed by learned counsel for the appellant, in view of the Ground No. (iii) of appeal, it would be appropriate to release the amount. Accordingly, the application is allowed.

4. 80% of the amount of compensation along with accrued interest be released in favour of respondent nos. 1 to 3 in proportion as mentioned in the award, on furnishing usual undertaking to the

effect that, if the appellant succeeds in the matter, respondent nos. 1 to 3/claimants shall redeposit the amount after final order, which would be passed in the First Appeal.

5. Nazir is directed to disburse the amount as mentioned above after due verification of the documents.

6. Accordingly, the application stands disposed of.

(Smt. M.S. Jawalkar, J.)

B.T.Khapekar