

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

CIVIL APPLICATION (CAF) NO. 2212 OF 2023
IN
FIRST APPEAL NO. 574 OF 2019

DIVISIONAL MANAGER, IFFCO TOKIO GENERAL INSURANCE CO. LTD., NAGPUR

...VERSUS...

ALKA MAHENDRA TAYDE AND ORS.

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

Court's or Judge's order

Shri A.M.Kukday, Advocate for appellant.

Shri G. R. Kothari, Advocate for respondent nos. 1 to 4/applicants.

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

DATE : 10th AUGUST, 2023

The present application is filed for grant of permission to withdraw the amount deposited by the appellant - Insurance Company.

2. It is submitted that there is no case made out for Insurance Company to file the appeal. The applicant nos. 2 and 3 are students and for their education, there is need of money.

3. Learned counsel for the appellant though opposed the application, considering the reasons, it would be appropriate to allow 50% of the amount to be withdrawn by the applicants, on furnishing usual undertaking to the effect that, if the appellant will succeed in the matter, they will deposit the amount as per final order which would be passed in the First Appeal. Accordingly, the application is partly allowed.

4. Nazir is hereby directed to disburse 50% of the amount along with accrued interest in favour of respondent nos.1 to 4/ applicants.

5. The apportionment made of the amount so disbursed shall be as per award.

6. Accordingly, the application stands disposed of.

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Leave to amend in cause title of appeal memo is granted.

2. Necessary amendment to be carried out within two weeks.

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

B.T.Khapekar