

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 8515 OF 2024
WITH
INTERIM APPLICATION NO. 12987 OF 2023
IN
FIRST APPEAL NO. 1612 OF 2016
WITH
CROSS OBJECTION (STAMP) NO. 10404 OF 2017

Balbhim Baburao Sankpal And Anr. ... Applicants

In the matter between :-

The New India Assurance Co. Ltd. ... Appellant

vs.

Balbhim Baburao Sankpal And Anr. ... Respondents

Mr. Devendranath S. Joshi :-	Advocate for Appellant.
Mr. Amol Gatane i/b. Adv. Swati Uday Mehta :-	Advocate for Respondent.

CORAM : S. M. MODAK, J.

DATE : 23rd SEPTEMBER 2024

P. C. :-

1. Heard learned Advocate Mr. Gatane for Applicants and learned Advocate Mr. Joshi for Respondent – Insurance Company. Present Appeal is filed by the Insurance Company against award in injury

claim. The original Claimant was one Balbhim Sankpal. The Insurance Company deposited awarded amount as per order of this Court.

2. Earlier during lifetime the Claimant - Balbhim has withdrawn amount on two occasions. Later on he died due to some ailment. Now the Applicants are his wife, one son and another daughter. They asking for further withdrawal.

3. It is true that the parties have arrived at a settlement. However it could not be signed for some reason or other. As per directions of this Court, learned Advocate Mr. Joshi has taken instructions from his legal hub. They are agreed to the amount decided under terms of settlement. However, approval from the head office is awaited. But now Claimants are not agreeable. Now it has become past.

4. The objection is filed. There is objection that two children settled abroad. They are not in need of money. Whereas according to Mr. Gatane wife is staying singly and she needs money. She has spent lot of money on education of her children. Considering amount already withdrawn and considering amount which is still in the Court, I think the Claimants can be permitted to withdraw Rs.1,10,00,000/- (Rupees One Crore Ten Lakh only) in lump-sum. Hence the order :-

ORDER

- (i) Applicant Nos. 1A, 1B and 1C are permitted to withdraw amount of Rs.1,10,00,000/- (Rupees One Crore Ten Lakh only) on furnishing usual undertaking.
- (ii) Interim Application is disposed.

5. Interim Application No.12987 of 2023 is already disposed of on 27th February 2024. It is wrongly on Board. It be removed from Board.

6. Appeal be listed on 14th October 2024.

[S. M. MODAK, J.]

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