



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

CIVIL APPLICATION NO. 80/2024 IN FIRST APPEAL NO.74/2023 (D)

National Insurance Co. Ltd. Nagpur .Vs. Aruna wd/o Pradip Tiwari and ors.

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

Court's or Judge's orders

Ms M. V. Babhulkar, Advocate instructed by Mr. M. A. Kadu, Advocate for
appellant-non applicant.

Mrs. R. S. Mankar, Advocate for respondent nos.1 to 6-applicants.

CORAM : ANIL L. PANSARE, J.

DATE : 15.02.2024

The applicants – original claimants have filed the application to withdraw the entire amount of compensation with accrued interest thereon. The application has been filed presuming that the appeal is pending.

Both the counsels are/were not aware of the fact that the appeal has been dismissed vide order dated 31.10.2023.

Since, the appeal has been dismissed, there is no impediment in permitting the claimants to withdraw the amount. Accordingly, the application is allowed. The claimants are permitted to withdraw the compensation amount along with interest accrued thereon in terms of the award passed by the Claims Tribunal.

Learned counsel for the claimants submits that respondent no.5 – Kalkaprasad Tiwari has expired on 16.04.2021. His legal representatives are already on record in the form of claimants – respondent nos.1 to 4 and 6. The surviving claimants – respondents are allowed to withdraw their proportionate shares from the share of respondent no.5.

(Anil L. Pansare, J.)