



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

**CIVIL APPLICATION (CAF) NO.3405 OF 2024
IN
FIRST APPEAL NO. 807 OF 2023**

RELIANCE GENERAL INSURANCE CO. LTD.

Vrs.

SHAHISTA NAJMUSAHER WD/O SYED KARIMUDDIN AND OTHERS

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

Court's or Judge's Order

Shri D. N. Kukday, Advocate for appellant.
Shri Sachin Deshpande, Advocate for respondent Nos.1 to 3.

CORAM: SANJAY A. DESHMUKH, J.
DATE : 09/12/2024.

1. This is an application for permission to withdraw remaining amount of compensation deposited by the appellant as per the award of the Motor Accident Claims Tribunal, Yavatmal.

2. Learned advocates for both sides pointed out the order dated 21/03/2024 by which 50% amount was permitted to be withdrawn. The said amount is withdrawn by respondent Nos.1 and 2. The respondent No.3 is a minor. This application is moved on behalf of the respondent – minor. This Court while allowing Civil Application No.397/2024 directed to pay 50% amount and also in Para No.5, it is held that request of applicant No.3 will be considered at the time of final hearing. However, this Court can consider and recall said part of the order.

3. Considering the peculiar set of facts, though the respondent No.3 was minor of 13 years old at the time of filing of application, he had become major. The said amount can be paid to him.

4. Considering the fact that, already 50% amount is permitted to be withdrawn, it would be proper to allow this application partly as under :-

i] Registry is directed to pay 25% amount on usual undertaking out of total amount along with accrued interest thereon to the respondent No.3.

5. The application is allowed and disposed of.

FIRST APPEAL NO. 807 OF 2023

6. Stand over after six weeks.

[SANJAY A. DESHMUKH, J.]