

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

FIRST APPEAL NO. 713 OF 2024

National Insurance Co. Ltd.
Through its Regional Manager,
National Insurance Co. Ltd. Mumbai ...Appellant
V/s.
Mrs. Jakiya Firozkhan Pathan And Anr. ...Respondents

**WITH
INTERIM APPLICATION NO.3750 OF 2025
IN
FIRST APPEAL NO. 713 OF 2024**

Mrs. Jakiya Firozkhan Pathan ...Applicant

IN THE MATTER BETWEEN

National Insurance Co. Ltd.
Through its Regional Manager,
National Insurance Co. Ltd. Mumbai ...Appellant
V/s.
Mrs. Jakiya Firozkhan Pathan And Anr. ...Respondents

**WITH
INTERIM APPLICATION NO.8617 OF 2024
IN
FIRST APPEAL NO. 713 OF 2024**

National Insurance Co. Ltd.
Through its Regional Manager,
National Insurance Co. Ltd. Mumbai ...Appellant
V/s.
Mrs. Jakiya Firozkhan Pathan And Anr. ...Respondents

Mr. Amol A. Gatne, for the Appellant.
Mr. Ajit V. Alange, for the Respondent No.1.

CORAM : SHYAM C. CHANDAK, J.

DATED : 28th MARCH, 2025

P.C. :-**INTERIM APPLICATION NO.3750 OF 2025**

. Heard .

2) Present Application filed by the Respondent No.1/Original Claimant seeking permission to withdraw the entire compensation amount alongwith accrued interest.

3) Mr. Gatne, the learned Advocate for the Applicant opposed the Application. However, he stated that, there is no statutory defence in this case.

4) The prayer for withdrawal of compensation amount is based on the ground that, the Applicant is economically poor. Her husband is blind. Therefore, the Applicant is in need of the compensation money.

5) In view thereof and considering other grounds stated in the Application, the Applicant is permitted to withdraw Rs.2,25,000/- out of the compensation amount alongwith accrued interest subject to furnishing usual undertaking that in case the Appellant succeeds in this Appeal, the Applicant would refund the said amount alongwith interest as would be directed by this Court. The Tribunal shall invest remaining amount with nationalized bank giving highest interest from time to time.

6) Interim Application stands disposed of.

INTERIM APPLICATION NO.8617 OF 2024

. Heard.

- 2) Since entire compensation amount alongwith accrued interest has been deposited as directed in the Order dated 06th May 2024, this Application allowed in terms of prayer clause (A).
- 3) Application stands disposed of.

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. Learned Advocate for the parties submitted that, the Appeal may be taken up for final hearing. Hence, call for Record and Proceedings.

- 2) Stand over to **17th April, 2025**.

(SHYAM C. CHANDAK, J.)