



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

CIVIL APPLICATION (F) NO.1339 OF 2025

IN

FIRST APPEAL NO.187 OF 2016 (D)

[The New India Assurance Co. Ltd. ..Vs.. Anita Wd/o Ritesh Gajbhiye and
Others]

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

Court's or Judge's order

Ms A. Mategaonker, Advocate for Applicant/Appellant.

Mr A. S. Meshram, Advocate for Non-Applicants/Respondents.

CORAM : M. W. CHANDWANI, J.

DATE : 9th APRIL, 2025.

1. Heard.

2. The appeal is dismissed by this Court *vide* its order dated 05.09.2023. It is to be noted here that pending the appeal, the decretal amount of Rs.6,37,195/- came to be deposited by the applicant/appellant, whereas the impugned award speaks about distribution of the compensation amount between the respondent Nos.1, 2 and 4 equally, which comes to Rs.2,12,398/-.

3. This Court by its order dated 28.07.2021 passed in Civil Application No.648 of 2021 allowed the application of respondent Nos.1 and 4 to withdraw the 50% of the decretal amount. Pursuant to this, the amount of Rs.3,18,598/- has been withdrawn by the respondent Nos.1 and 4. What remains, the share of respondent Nos.1 and 4 in decretal amount lying with this Court is Rs.53,099/- each, whereas the amount of Rs.2,12,398/- is belonging to respondent No.2 who was minor at the time of passing of the impugned award. The direction in the impugned award is that on depositing the amount, the amount fell in the share of respondent No.2 shall be invested in a nationalized

bank for twelve years. The amount deposited in this Court by the appellant on 24.01.2017 has been kept in fixed deposit. As per the direction in the impugned award, the said deposit is to be made for twelve years i.e. upto 23.01.2029.

4. The contention is that the respondent No.2 is in need of money for his education purposes.

5. Considering his request and the fact that the impugned award came to be passed in the year 2013; almost twelve years have expired from the date of award; and more particularly, the respondent No.2 is aged about 19 years, I see no hurdle in allowing the respondent No.2 to withdraw the entire amount of award fell in his share. That apart, the respondent Nos.1 and 4 are also entitled to withdraw their balance amount of Rs.53,099/- each.

6. The registry is directed to disburse the amount fell in the share of respective respondents alongwith accrued interest on due verification.

7. Accordingly, the application stands disposed of.

JUDGE

Tambe