



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

FIRST APPEAL NO.99 OF 2023

The Oriental Insurance Co. Ltd., Nagpur
vs.

Pratap Mahadeorao Borwar (Deleted) Smt Sumitra Prataprao Borwar and ors.

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

Court's or Judge's orders

Shri C. A. Anthony, Advocate for the appellant.
Shri Asghar Hussain, Advocate for respondent Nos. 2,3,5 and 6.

CORAM : ABHAY J. MANTRI, J.

DATED : 26-08-2025

Civil Application (CAF) No.3130/2025

The applicants/respondent Nos. 2, 3, 5 and 6 have moved this application to permit them to withdraw the amount of compensation deposited by the appellant in the Court, for which the learned Advocate for the appellant has given no objection for the withdrawal of 50% amount. On the other hand, the learned Advocate for the applicants insisted on permitting them to withdraw 80% amount.

2. The learned Advocate for the applicants further submitted that respondent No.4, i.e. Mahadeorao Ganaji Borwar, was the grandfather of the deceased Atul Prataprao Borwar, who died on 23/01/2024, and respondent No.1 died during the pendency of the proceedings however, their legal heirs are already on record. The rest of the applicants are the legal heirs of the deceased Atul, and therefore, he urged to distribute the amount of the share of respondent Nos. 1 and 4 in equal proportion to the remaining respondents, for which the learned Advocate for the appellant has no objection.

3. The applicants/respondents are directed to file an affidavit in that regard.

4. Having considered the reasons disclosed in the application as well as having gone through the impugned judgment and award, I do not find substance in the contention of both the Advocates. However, I deem it appropriate to permit the applicants to withdraw 75% amount along with accrued interest thereon as per the award on their furnishing a usual undertaking and affidavit as stated above. Accordingly, the application is partly allowed.

5. The applicants are permitted to withdraw 75% of the compensation amount to the extent of their respective shares (including the shares of respondents No.1 and 4 in equal proportions) on their furnishing a usual undertaking to the Court.

6. The Registrar (J) is directed to transmit the amount to the bank accounts of the applicants as per the award within seven weeks on their furnishing the usual undertaking as well as bank account details to the registry. The amount for the shares of respondents No.1 and 4 will be disbursed in equal proportion to the share of the applicants.

Civil Application is disposed of.

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List the matter on 06/10/2025.

(ABHAY J. MANTRI, J.)