



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

**CIVIL APPLICATION (CAF) NO. 2707 OF 2024
IN
FIRST APPEAL ST. NO. 21754 OF 2019**

H.D.E.C. ERGO GENERAL INSURANCE CO.

Vrs.

PRATIKSHA WD/O RAJENDRA MADHAVKAR AND OTHERS

Office Notes, Office Memoranda of Coram, Appearances, court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr. Amit Kukday, Advocate for appellant.

Mr. Deepak Khushalani, Advocate for respondent Nos.1 to 6.

CORAM : SANDIPKUMAR C. MORE, J.

DATE : JANUARY 15, 2025.

1. Heard rival submissions.
2. The respondent No.1 to 6, who are the original claimants are seeking withdrawal of entire amount of compensation as deposited by the appellant - Insurance Company. However, the learned counsel for the appellant - Insurance Company submits that he will file application for restoration of appeal within certain period, which was dismissed for non-payment of costs of Rs.5,000/-. He fairly submitted that 50% amount, at this juncture, can be permitted to be withdrawn by the aforesaid claimants.
3. It appears that out of aforesaid claimants, respondent Nos.2 to 4 are still minors and therefore, their respective amounts cannot be released till they attain the majority. However, at present, respondent Nos.1, 5 and 6 are permitted to withdraw

50% amount from their shares of the compensation as done by the learned Tribunal along with proportion interest accrued thereon till date.

4. The remaining amount be invested in FDR in Nationalized Bank on yearly renewal basis during the pendency of this appeal, if restored.

5. The application is accordingly disposed of.

(SANDIPKUMAR C. MORE, J.)

Choulwar