

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

**CIVIL APPLICATION NO.2187 OF 2013
IN
FIRST APPEAL NO.871 OF 2013**

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.Y.P.Narwankar for the applicant

CORAM : K.K.TATED, J.
DATED : 25/02/2015

PC:

- 1 Heard the learned counsel for the parties.
- 2 This application is preferred by original claimants for withdrawal of the amount deposited by the appellant Insurance Company in the Tribunal.
- 3 In the present proceeding, the applicant nos.1 and 2 lost their son in an accident which occurred on 24.11.2009. On that date the deceased was taking education in 10th standard and he was 16 years old. The Tribunal awarded sum of Rs.5,50,000/- by way of compensation.
- 4 On the other hand the learned counsel for the respondent Insurance Company vehemently opposed the present Civil Application. He submits

that if the entire amount is withdrawn by the applicant, nothing will survive in the First Appeal. He submits that if they succeed in the First Appeal then it will be very difficult for them to recover the same. He further submits that if this court allows the applicant to withdraw the amount then they must provide solvent security to the satisfaction of the Tribunal.

5 It is to be noted that in the present proceeding, the applicant lost their son of age 16 years old who was taking education in 10th standard.

6 Considering the submissions made by the learned counsel for the Applicant and the averments made in Civil Application, I am satisfied that the applicant has made out a case for allowing them to withdraw some amount. Hence, following order:

a) Applicant nos.1 and 2 are jointly entitled to withdraw total sum of Rs.1,50,000/- with accrued interest without furnishing any security.

b) Tribunal is directed to invest remaining amount in fixed deposit of any nationalised bank initially for a period of one year and same be continued till the hearing and final disposal of the

First Appeal.

c) Civil application stands disposed off accordingly.

(K.K.TATED, J.)