

FARAD CONTINUATION SHEET
IN THE HIGH COURT OF JUDICATURE AT BOMBAY.
CIVIL APPELLATE SIDE JURISDICTION.

CIVIL APPLICATION NO.2521 OF 2014
IN
FIRST APPEAL NO.51 OF 2014

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. Akshay P. Shinde for the Applicant
Mr. Rahul Mehta i/b. KMC Legal Venture for the Respondent.

CORAM : K. K. TATED, J.
DATE : MARCH 12, 2015

P.C.:

1. Heard. This Application is preferred by the parents of deceased Jamir who died in an accident which occurred on 02/02/2010. The learned counsel for the Applicant submits that on the date of accident, the deceased was 30 years old. He was working as Hafficeji/teacher and drawing salary of Rs.10,000/- pm. He submits that the deceased was only an earning member in their family. He submits that because of old age of the parents, they required the amount deposited by the Appellant Insurance Co. in the Tribunal.

2. On the other hand, the learned counsel for the Respondent Insurance Co. vehemently opposed the Civil Application and submits that if entire amount is withdrawn by the Applicant nothing will

survive in the present appeal. He submits that if the Insurance Co. succeeds in the present proceedings, it would be very difficult for them to recover the same from the Applicant.

3. Heard both sides. It is to be noted that in an accident, which occurred on 02/02/2010, the Applicant lost their son of 30 years who was earning Rs.10,000/- pm. Considering these facts and the reasons disclosed in the Civil Application, I am satisfied that the Applicants are entitled to withdraw 25% each of the amount deposited, without furnishing any security at present.

4. Hence, the following order:

- a) Both the Applicants are allowed to withdraw 25% each of the amount deposited, without furnishing any security, subject to outcome of the First Appeal.
- b) The Tribunal is directed to invest the remaining amount in a fixed deposit account of any Nationalized bank, initially for a period of one year which will be renewed from time to time till further orders.
- c) Liberty granted to the Respondent - claimant to file an appropriate Application for withdrawal of the remaining amount, if they so desire, which will be decided on its own merits.

d) Amount of Rs.25,000/- deposited at the time of filing the appeal be transferred to the Trial Court in the respective MACP Application.

e) Civil Application stands disposed off accordingly.

JUDGE