

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.2821 OF 2013
(NOT ON BOARD)
IN
FIRST APPEAL st. NO.14817 OF 2013

ICICI Lombard General Insurance Company Ltd. ... Applicant

Vs.

Smt.Rashmi Rajendra Gandhi & Ors. ... Respondents

a/w
CIVIL APPLICATION NO.2896 OF 2015

Smt.Rashmi Rajendra Gandhi & Ors. ... Applicants

Vs.

ICICI Lombard General Insurance Company Ltd. ... Respondents

Mr.Nikhil Mehta i/b KMC Legal Venture for the Insurance Company
Mr.V.R. Gaikwad for Respondent Nos.1 to 4 in CAF/2821/2013 and for
Applicants in CAF/2896/2015

CORAM: MRS.MRIDULA BHATKAR, J.

DATE: 2nd SEPTEMBER, 2015

P.C.:

1. By Civil Application No.2821 of 2013, the applicant prays for condonation of delay of 43 days in preferring the appeal. Learned Counsel for Respondent Nos.1 to 4 / claimants, is present and has no objection for the condonation of delay. Accordingly, the delay is condoned. Civil Application is allowed.

CIVIL APPLICATION NO.2896 OF 2015 -

2. This Civil Application is moved by the original claimants for withdrawal of the amount deposited by the insurance company. It is submitted by the learned Counsel for the insurance company that the insurance company has deposited Rs.15 lacs in all, towards the satisfaction of the judgment and award dated 14.9.2012. The learned Counsel for the applicants submits that the original claimant is a widow and she has to shoulder responsibility of two minor daughters and her mother-in-law. He therefore prays for withdrawal of the amount deposited.

3. Heard.

4. The Respondent No.1 / original claimant is allowed to withdraw Rs.5 lacs including Rs.2 lacs for self, Rs.1 lakh each for the two minor daughters and Rs.1 lakh by the mother-in-law. Respondent No.1 is allowed to withdraw the amount as abovesaid on behalf of the minor children. The remaining amount shall be invested by the trial Court in a fixed deposit of any nationalised bank. The respondent No.1 is allowed to withdraw the interest accrued thereon after six months. The statutory deposit of Rs.25,000/- shall be transferred to the trial Court.

5. Civil Application No.2896 of 2015 stands disposed of accordingly.

(MRIDULA BHATKAR, J.)

CERTIFICATE

I certify that this Order uploaded is a true and correct copy of original signed Order.