

FARAD CONTINUATION SHEET
IN THE HIGH COURT OF JUDICATURE AT BOMBAY.
CIVIL APPELLATE SIDE JURISDICTION.
CIVIL APPLICATION NO.109 OF 2015
IN
FIRST APPEAL NO.219 OF 2014

Sharda Tatyasaheb alias Ramchandra & Ors.	..	Applicants
V/s.		
New India Assurance Company Ltd. & Ors.	..	Respondents

Mr. Purushottam G. Chavan for the applicants
Mr. Devendranath S. Joshi for the respondents

CORAM : K. K. TATED, J.
DATE : JANUARY 30, 2015

PC.:

1. Heard learned counsel for the parties. This application is preferred by claimants for withdrawal of the amount deposited by respondent/insurance company before Tribunal.

2. The learned counsel for the applicant submits that the accident took place on 3rd November, 2002 in which applicant No.1 lost her husband who was an Engineer. On that day, he was drawing the salary of Rs.14,500/-pm. He further submits that on the date of accident, the deceased was 42 years old. He submits that applicant No.1 is a housewife and applicant Nos.2 and 3 are her children who are taking education. He submits that there is no source of income to the applicants for their day-to-day expenses. He further submits that applicant No.1 has to look-after the educational expenses of applicant Nos.2 and 3 and therefore it is very difficult to maintain herself as well as to bear the expenses of applicant Nos.2 and 3. Hence, this Honourable Court be pleased allow the applicant to withdraw the

amount deposited by applicant/Insurance company before Tribunal.

3. On the other hand, the learned counsel Mr. Devendranath S. Joshi for the original applicant/respondent vehemently opposed the present Civil Application. He submits that if the entire decretal amount is allowed to be withdrawn by the original claimants and in case they succeed before this Court then it would be very difficult for them to recover the same. He further submits that in any case Insurance Company is not liable to pay any compensation to the applicant/original claimants. He submits that the vehicle which was involved in this accident was not insured with them.

4. Considering the submissions made by learned counsel for the applicants and averments made in the Civil Application, I am satisfied that applicant No.1 who is a house-wife requires some amount to maintain herself as well as applicant Nos.2 and 3 who are taking education. Hence following Order.

- a) Applicant No.1 – Sharada Tatyasaheb @ Ramchandra Pawar is entitled to withdraw sum of Rs.3,00,000/- (Rupees Three Lacs Only) without furnishing any security.
- b) Applicant Nos.2 and 3 who are now major is entitled to withdraw quarterly interest on the fixed deposits without furnishing any security.
- c) The Tribunal is directed to invest remaining amount in fixed deposit of any Nationalized Bank initially for a period of one year and same to be continued till hearing and final disposal of the appeal.
- d) Civil Application is disposed of accordingly.

JUDGE