IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.4278 OF 2015
IN
FIRST APPEAL NO.1207 OF 2015

Smt.Shobha Babasaheb Babar & Ors. .. Applicants

IN THE MATTER BETWEEN
New India Assurance Co. Ltd. ... Appellant

Vs.

Smt.Shobha Babasaheb Babar & Ors. ... Respondents

Mr.S.M. Dange for the Appellant/Insurance Company
Mr.V.R. Gaikwad for Applicants

CORAM: **MRS.MRIDULA BHATKAR, J.**

DATE: **22nd DECEMBER, 2015**

P.C.:

1. Heard.

2. Appeal admitted.

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3. This civil application is moved for withdrawal of the amount deposited by the Insurance Company. The principal amount is Rs.18,41,800 and the total deposited amount alongwith interest is Rs.21,48,643/-. The learned Counsel submits that the widow, the three children and the mother are the defendants, who filed the claim application. He points out page 7 of the memo of appeal and the note

No.2 where the appellant / insurance company has stated that the “appellant challenging only a award of future prospects, which is Rs.2.8 lakhs and paying full court fee thereon (Rs.10,430)”. He submits that deducting the said amount, remaining amount be given to the applicants. The learned Counsel for the appellant insurance company submits that the judgment is challenged on the ground of future prospects and also on the ground of salary of the deceased.

4. In view of the submissions made by the learned Counsel for both the sides and note No.2 which is mentioned in the appeal memo, as the challenge is only in respect of the amount of future prospects i.e., Rs.2,80,000 on which the Court fees is paid, the said amount is deducted from the principal amount i.e., Rs.18,41,800/- and the remaining amount is to be given to the applicants in proportion to the directions given by the learned President, MACT, Satara, as per their shares, alongwith interest accrued thereon. The remaining amount shall be deposited in a fixed deposit with any nationalised bank.

5. Civil Application is disposed of accordingly.

(MRIDULA BHATKAR, J.)