IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.3026 OF 2015
IN
FIRST APPEAL ST. NO.19261 OF 2014

Smt.Rohini Santosh Bhasme & ors. ... Applicants

IN THE MATTER BETWEEN
Ifco Tokio General insurance Co. Ltd. … Appellant

Vs.

Smt.Rohini Santosh Bhasme & ors. ... Respondents

Mr.Vasant Kadam i/b Y.P. Narvankar for Applicants
Mr.A.P. Kulkarni for the Respondent/Insurance company.

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

DATE: **23rd DECEMBER, 2015**

P.C.:

1. This is an application for withdrawal of the amount of award deposited by the Insurance company.

2. The learned Counsel for the insurance company points out that the Member, MACT, Pune has awarded Rs.21,38,000/- towards compensation alongwith interest @ 9% p.a. The learned Counsel for the appellant/insurance company submits that there is complete breach of policy. The driver of the rickshaw which is involved in the accident was not holding a valid licence for carrying passengers and thus, the appellants have good case on merit.

3. Considered the submissions of the learned Counsel for both the sides. The applicant No.1 is a widow. Applicant No.2 is a minor daughter, who was 6 moths old when the claim was filed. In view of this, by way of interim arrangement, the applicant No.1 is allowed to withdraw an amount of Rs.5 lacs and applicant Nos.3 and 4 are allowed to withdraw Rs.1 lakh each. Thus, a total amount of Rs.7 lakhs is allowed to be withdrawn, however, on furnishing a usual undertaking to the satisfaction of the Registrar, MACT, Pune. The balance amount shall be invested by the Tribunal in a fixed deposit of any nationalised bank.

4. Civil Application stands disposed of accordingly.

(MRIDULA BHATKAR, J.)