

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

**CIVIL APPLICATION NO. 1876 OF 2014
IN
FIRST APPEAL (ST.) NO. 17334 OF 2013**

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. Y. P. Narvankar for the applicant.
None for the respondent.

**CORAM : K. K. TATED, J.
DATED : 13/02/2015.**

PC.:

- . Heard learned Counsel for the applicant.
- 2 Though, the respondents are duly served, no one appeared on behalf of them when the matter called out.
- 3 This application is preferred by claimant no.1 for withdrawal of amount deposited by the respondent no.1 insurance company.
- 4 The learned Counsel for the applicant submits that in accident, which occurred on 08.01.2010 the applicant no.1 lost her husband. He submits that thereafter, the claimant filed application under Section 163 A of M.V. Act, 1988 for compensation of Rs.4,58,300/-. He submits that on the date of accident, deceased was 34 years old and was

working as agricultural labourer and he was getting wages of Rs.3,300/- per month. The learned Counsel for the applicant submits that applicant has to look after her three minor children. He submits that applicant is unemployed. Hence, she requires some amount for maintenance herself as well as her minor children.

5 Considering the submissions made by learned counsel for the applicant and averments made in paragraph 3 and 4 of civil application, I am satisfied that applicant has made out the case for allowing her to withdraw some amount.

6 Hence, the following order.

a) Applicant Kanchan Bhikaji Gawade is entitled to withdraw sum of Rs.1,00,000/- with accrued interest without furnishing any security.

b) Applicant no.1 can withdraw further Rs.1,00,000/- with accrued interest by furnishing solvent security to the satisfaction of the Tribunal.

c) The Tribunal is directed to invest the remaining amount of Rs.50,000/- each in the name of original claimant nos. 2, 3 and 4 in fixed deposit in any nationalised bank initially for the period of one year and same to be continued till the hearing and final disposal of the First Appeal.

d) The Tribunal is directed to invest the remaining amount in Fixed deposits in the name of

applicant no.1 Kanchan Bhikaji Gawade, in any Nationalised Bank, initially for the period of one year and same to be continued till hearing and final disposal of the First Appeal.

e) Applicant claimant no.1 Kanchan Bhikaji Gawade is entitled to withdraw interest on all fixed deposit quarterly without furnishing any security till the hearing and final disposal of the First Appeal.

(K.K.TATED, J.)