

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

CIVIL APPLICATION NO.1520 OF 2014
IN
FIRST APPEAL NO.667 OF 2012

Office Notes, Office Memoranda of Coram, Appearances, court's orders or directions and Registrar's orders	Court's or Judge's orders
---	---------------------------

Mr. S. R. Ingule for the Applicant

CORAM : K. K. TATED, J.
DATE : JUNE 10, 2015

P.C.:

1. Heard. None for the Appellant Insurance Co. though duly served.

2. This Application is preferred by the claimant for withdrawal of the amount deposited by the Insurance Co. pursuant to the order dated 27/04/2012 passed by this court in Civil Application No.1456/2012.

3. The learned counsel for the Applicant submits that in an accident which occurred on 13/01/2008, the Applicant lost her son. At that time, he was 22 years old and was earning Rs.3200/- pm by working in a flour mill at Kasba

Peth, Pune. He submits that the Applicant filed Application under section 163A of the Motor Vehicles Act for grant of compensation. Considering the evidence on record, the Tribunal awarded sum of Rs.4,17,100/- with 9% p.a. interest. The learned counsel for the Applicant submits that the Applicant is facing financial difficulty. He submits that the Applicant has to maintain her mother-in-law who is a senior citizen. He submits that the Applicant lost her husband before 30 years. He submits that in the interest of justice, this Hon'ble Court be pleased to allow the Applicant to withdraw the amount deposited by the Insurance Co. He submits that if Application is not allowed, irreparable loss will be caused to the Applicant.

4. Heard the learned counsel for the Applicant at length. Though the Appellant Insurance Co. duly served, none appeared for them. In the present proceedings, the Applicant lost her son who was of 22 years. At that time he was earning Rs.3200/- pm. Considering the reasons disclosed by the Applicant in Civil Application, more particularly paragraph 6, I am satisfied that the Applicant has made out a case for allowing them to withdraw some amount at present without

furnishing any security. Hence, the following order:

- a. The Applicant is permitted to withdraw 50% of the amount deposited by the Appellant Insurance Co. without furnishing any security.
- b. The Tribunal is directed to invest the remaining amount in a fixed deposit account of any Nationalized bank, initially for a period of one year which will be renewed from time to time till hearing and final disposal of the appeal.
- c. Liberty granted to the Respondent - claimant to file an appropriate Application for withdrawal of further amount, if they so desire, which will be decided on its own merits.
- d. Civil Application stands disposed off accordingly.

JUDGE