

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.3359 OF 2015
IN
FIRST APPEAL NO.1108 OF 2015

Sandesh Prashant Londhe & Ors. ... Applicant

IN THE MATTER BETWEEN
Oriental Insurance Co. ... Appellant

Vs.

Sandesh Prashant Londhe & Ors. ... Respondents

Mr.V.B. Tapkir i/b V.A. Shastry for Applicant and for Respondent Nos.1, 2
and 3 in Appeal
Ms.Poonam Mittal for the Insurance Company.

CORAM: MRS.MRIDULA BHATKAR, J.

DATE: 9th OCTOBER, 2015

P.C.:

1. The Civil Application is moved for withdrawal of the amount which is deposited by the insurance company pursuant to the judgment and award dated 6.8.2013 in MACP No.660 of 2015. The learned Counsel for the applicants submits that applicant Nos.1 and 2 are the children of applicant No.3, who is the husband of the deceased woman.

2. The learned Counsel for the insurance company opposes the application. She submits that the insurance company has good case on merits in the appeal as the driver was not holding a valid licence at the

relevant time. She submits that this Court has earlier allowed the applicants to withdraw Rs.1 lakh. Now, the insurance company has deposited Rs.7,83,877/-.

3. Considering the submissions, I allow the respondent-original applicant Nos.1, 2 & 3 to withdraw Rs.1 lakh each, totalling to Rs.3 lakhs. The remaining amount to be invested in a fixed deposit with a nationalised bank.

4. Civil Application is disposed of accordingly.

(MRIDULA BHATKAR, J.)