

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

**CIVIL APPLICATION NO. 1561 OF 2015
IN
FIRST APPEAL NO. 1172 OF 2014**

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. H. E. Palve for the applicants.

Mr. Rahul Mehta i/b KMC Legal Venture for the Appellant.

CORAM : K. K. TATED, J.

DATED : 14/08/2015.

PC.:

. Heard learned Counsel for the parties.

2 This application is preferred by claimants for withdrawal of amount deposited by the Appellant Insurance Company.

3 The learned Counsel for the applicant submits that in accident which occurred on 28.04.2007, the applicant no.1 lost her husband. On the date of accident, the deceased was 28 years old and was running grocery shop. He was earning Rs.10,000/- to Rs.12,000/- per month. He submits that applicant no.1 is household wife and she has to maintain her minor child as well as mother-in-law, who is Senior citizen.

4 The learned Counsel for the applicant submits

that because of financial crisis, it is very difficult for them to maintain their day-to-day expenses. He submits that this Hon'ble Court be pleased to allow the applicants to withdraw the amount deposited by the Appellant.

5 On the other hand, the learned Counsel for the Appellant Insurance Company vehemently opposed the present Civil Application. He submits that the Tribunal has awarded compensation on the higher side. He submits that the claimants have not placed on record any documentary evidence to show that the deceased was earning Rs. 10,000/- to Rs.12,000/- per month from the grocery shop business. He submits that if the entire amount is withdrawn by the claimants, nothing will survive in the First Appeal. He submits that if they succeed in the present proceeding, it will be very difficult for them to recover the same from the applicants.

6 I heard both the sides at length. It is to be noted that in the present proceeding, the applicant no.1 lost her husband. He was 28 years old. At the time of accident, he was running grocery shop. Applicant no.1 is household wife and she has to maintain her minor child as well as mother-in-law.

7 Considering these facts, I am of the opinion that applicants are entitled to withdraw some amount without furnishing any security but subject

to the outcome of the First Appeal.

8 Hence, the following order is passed:

a) Applicant no.1 Mrs. Damayanti alias Manasi Ganesh Bhoir is entitled to withdraw 20% of amount without furnishing any security but subject to the outcome of the First Appeal.

b) Applicant no.3 Mrs. Surekha Shivram Bhoir is entitled to withdraw 15% of amount without furnishing any security but subject to the outcome of the First Appeal.

c) Applicant no.1 Damayanti alias Manasi Ganesh Bhoir is entitled to withdraw quarterly interest on the Fixed deposit of amount for the welfare of the applicant no.2 who is minor,

d) Civil Application stands disposed of accordingly.

(K.K.TATED, J.)