

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.4185 OF 2015
IN
FIRST APPEAL st. NO.22417 OF 2012

Shri Ananta Amrut Patil & anr.

... Applicants

Vs.

ICICI Lombard General Insurance Company Ltd.... Respondent

Ms.Reema Kundu for the Applicants

Mr.Nikhil Mehta i/b KMC Legal Venture for Respondent

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

DATE: **18th DECEMBER, 2015**

P.C.:

1. The Civil Application is filed by the original claimants for withdrawal of the amount of Rs.5,10,188/- deposited by the insurance company in the Tribunal.

2. The learned Counsel for the applicants submits that the parents of the deceased have filed the application under section 166 of the Motor Vehicles Act. The Tribunal has granted a compensation of Rs.4,57,000/- with interest @ 7% p.a. She submits that at the time of passing the award, the Tribunal has allowed the applicant No.1 to withdraw 20% of the amount and they withdrew Rs.75,000/- each. Thus, Rs.1,50,000/- is withdrawn till today. The learned Counsel submits that the applicants were dependent on the deceased and want to withdraw more money.

3. Learned Counsel for the insurance company submits that the insurance company has a good case on merits, especially on the point of multiplier and also income of the deceased.
4. Perused the impugned judgment. Considering the submissions of both the learned Counsel for the parties, I am of the view that the applicants be allowed to withdraw an amount of Rs.1 lakh each on usual undertaking to be furnished to the satisfaction of the Tribunal.
5. Order accordingly. Civil Application stands disposed of.

(MRIDULA BHATKAR, J.)