

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.3506 OF 2015
IN
FIRST APPEAL st. NO.19543 OF 2012

Smt.Manju Ramesh Shukla & ors. ... Applicants

IN THE MATTER BETWEEN:

New India Assurance Co. Ltd. ... Appellant

Vs.

Smt.manju Ramesh Shukla & Ors. ... Respondents

Mr.T.J. Mendon for Applicants

Mr.R.K. Cheulkar for the Appellant/Insurance Company

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

DATE: **18th DECEMBER, 2015**

P.C.:

1. The application is filed for withdrawal of the amount which is deposited by the insurance company before the MACT, Thane. The learned Counsel for the applicants submitted that this is a death claim, wherein the widow, two minor children and the mother of the deceased are the claimants. The Tribunal has awarded compensation of Rs.10,70,800/- with interest @ 7% p.a. The Insurance Company has deposited Rs.13,12,000/-.

2. The learned Counsel for the respondent/Insurance company has opposed the application. He has submitted that the insurance company has paid cost of Rs.1,500/- to the applicants.

3. In view of the submissions of the learned Counsel for both the parties and after going through the facts of the case, applicant No.1 is allowed to withdraw an amount of Rs.5 lacs, the applicant No.2 i.e., the mother is allowed to withdraw Rs.2 lacs and applicant Nos.3 and 4, the children are allowed to withdraw Rs.1 lac each, through applicant No.1, the wife. The balance amount shall be invested in a fixed deposit of any nationalised bank. The statutory amount of Rs.25,000/- deposited at the time of filing the Appeal, shall be transferred to the MACT, Thane.

4. List the Appeal for admission on 29.1.2016.

5. Civil Application is accordingly disposed of.

(MRIDULA BHATKAR, J.)