

Vidya Amin

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

FIRST APPEAL NO. 1441 OF 2014

The New India Assurance Co. Ltd. ... Appellant
Vs.
Suresh Baburao Aanande (Shinde) & Ors. ... Respondents

**CIVIL APPLICATION NO. 3996 OF 2015
IN
FIRST APPEAL NO. 1441 OF 2014**

Suresh Baburao Aanande (Shinde) & Anr. ... Applicants
Vs.
The New India Assurance Co. Ltd. ... Respondent

Mr. S.M. Dange, Advocate for the appellant.
Mr. Vaibhav R. Gaikwad, Advocate for respondent nos. 1 and 2 and
applicants in CAF/3996/2015.

CORAM: **MRS.MRIDULA BHATKAR, J.**
DATE: **9th December, 2015**

P.C.:

Admit.

Civil Application No. 3996 of 2015

This application is moved by the applicants for withdrawal of the amount deposited by the insurance company at the time of granting stay to the judgment and award dated 13th February, 2014 passed by the Member, Motor Accident Claims Tribunal, Satara.

2. The learned counsel for the applicants submitted that till today the

applicants, i.e., father and mother of the deceased, did not get anything except Rs.15,000/- towards No Fault Liability.

3. The learned counsel for the respondent/insurance company opposed the Application.

4. On perusal of the judgment & award and the memo, it is found that the challenge is only in respect of 15% of the future prospects which was given to the applicants. The insurance company is not challenging on any other count. Hence, the applicants are allowed to withdraw Rs.10,00,000/-. The remaining amount is to be kept in a fixed deposit in any nationalized bank.

5. Civil Application is allowed.

(MRIDULA BHATKAR, J.)