

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

C.A.F.NO. 1767/2015 IN F.A.NO. 688/2015.

The New India Assurance Co. Ltd. Nagpur.

-VERSUS-

Smt. Nilofar Parveen Mohd. Arif Ansari and others.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders

**CORAM : B.P.DHARMADHIKARI
& P.N. DESHMUKH, JJ.**

DATE : OCTOBER 06, 2015.

Heard learned Counsel for the parties.

2. The dependents of deceased seek leave to withdraw the amount in excess of Rs.74 lacs, deposited by the appellant / Insurance Co.
3. The claimant no.1 is widow, while claimants no.2, 4 and 5 are daughters. Claimant no.3 is the son. Claimant nos. 1 to 3 are above 18 years, while other two claimants are minor.
4. The Motor Accident Claims Tribunal has found monthly dependency of Rs. 25,000/-. If the entire amount, deposited by the appellant Insurance

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Company is invested, monthly interest received by the family will be in excess of Rs. 50,000/-.

5. Learned Counsel for the applicants states that during treatment of deceased and from 2010 onwards the family has borrowed some loans from relatives. Details of such loans or then the fact that it is required to be repaid, are not disclosed in the application. The Claims Tribunal has directed the Insurance Company, driver of the offending vehicle and its owner, to pay an amount of Rs. 55,49,299/- with interest calculated @ 7.5%. Everybody has been given equal share in the amount of compensation.

6. Considering the fact that there are three daughters in the family and need to be married and the fact that monthly interest earned on the amount, if it is invested in any Nationalized Bank shall be almost double the monthly dependency worked out by the Claims Tribunal, we are not inclined to pass order on Civil Application No. 1767/2015.

7. The respondents have failed to make out any case for such withdrawal. With liberty to respondents to move proper application, as per law, seeking withdrawal of amount as is really required by

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them, we dispose of the present Civil Application. No costs.

JUDGE

JUDGE

Rgd.