

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION

**CIVIL APPLICATION NO.2083 OF 2014**  
**IN**  
**FIRST APPEAL NO.782 OF 2013**

Chandrakant Nagappa Nanaware ... Applicant

*In the matter between*

ICICI Lombard General Insurance  
Company Limited

... Appellant

vs.

Chandrakant Nagappa Nanaware and Others ... Respondents

Ms. Aliena George a/w. Ms. Priti Pandey i/b. RES Juris, for the  
Applicant.

Mr. Jayant Bardeskar, for Respondent No. 1.

Mr. Shashank Mangle, for the Appellant -Insurance Company.

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

**DATE: 12<sup>th</sup> FEBRUARY, 2016**

**P.C.:**

. This application is moved by Respondent No. 1-original claimant seeking permission to withdraw the amount deposited by the Insurance Company in the trial Court. It is a claim filed by the son for the compensation for the death of his mother. The Insurance Company has deposited the amount of Rs. 1,36,518/-.

2. The learned counsel for the Insurance Company and the counsel for Respondent-owner opposes this application mainly on the ground that the applicant is a major son and having his business and was not dependent on the deceased/mother. Hence, there is no urgency to withdraw the amount. They submit that the licence was produced however, the learned Judge has passed order of pay and recovery.

3. The learned counsel for the Applicant submits that his mother was sitting outside the house. However, while taking reverse the vehicle was turned negligently and it ran over her and she died. In view of the above, the applicant is allowed to withdraw Rs. 50,000/- subject to filing the usual undertaking before the tribunal.

4. Accordingly the civil application No. 2083 of 2014 stands disposed of.

**(MRS.MRIDULA BHATKAR, J.)**