

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO.655 OF 2016
IN
FIRST APPEAL NO.807 OF 2009

Smt. Ujwala Anandrao Jadhav & Others Applicants
Vs.
The New India Assurance Co. Ltd.
& Other Respondents

Mr. Abhijeet Kulkarni i/by Mr. Umesh Mankapure
for the Applicants.
Ms Sucheta Ghaisas i/by Mr. Sandeep Jinsiwale
for Respondent No.1-Insurance Company.

CORAM: MRS. MRIDULA BHATKAR, J.

DATE : FEBRUARY 24, 2016

P.C:

1. This application is filed by the applicants/original claimants for withdrawal of the amount of compensation. Learned counsel for the applicants submits that applicant No.1 is the wife of the deceased, who was a rickshaw driver and who died in the accident on 9-8-2005. Applicant Nos.2 and 3 were minors when their father died. The learned counsel submits that applicant No.2-Yogita got married and for her marriage applicant No.1-widow had to borrow money from relatives. He

further submits that compensation of Rs.3,69,500/- was awarded by the Tribunal by its Judgment and Award dated 18-11-2008. He submits that the said amount may be allowed to be withdrawn. He also submits that by order dated 16-9-2010 an amount of Rs.75,000/- only was allowed to be withdrawn. Learned counsel appearing for the Insurance Company vehemently opposes the same.

2. In view of the submissions made by the learned counsel for the applicants, applicant No.1-widow and applicant No.2-Yogita are allowed to withdraw Rs.1,00,000/- each on their furnishing usual undertaking to the satisfaction of the Tribunal.

3. The application accordingly stands disposed of.

(MRIDULA BHATKAR, J.)