

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.804 OF 2016

IN

FIRST APPEAL NO.514 OF 2012

Sushila Sureshkumar Ranka & Ors.

.... Applicants

In the matter between

The National Insurance Co. Ltd., Mumbai

.... Respondent No.1/
(Org. Appellant)

V/s.

Sushila Sureshkumar Ranka & Ors.

.... Respondents

Mr. G.H. Keluskar for the Applicants.

Ms. Urmila S. Sanil for the Respondent-Original Appellant.

CORAM : DR. SHALINI PHANSALKAR-JOSHI, J.

DATE : 25TH AUGUST 2016.

P.C. :

1. Heard learned counsel for the parties.
2. This Civil Application is preferred by the original claimants seeking withdrawal of the amount of compensation, as deposited by respondent No.1-Insurance Company. It is submitted that, as per the order passed by this Court on 2nd March 2012, the stay was granted to the execution of the impugned Award, subject to respondent No.1-Insurance Company depositing 50% amount of the Award with interest. The Award was totally for the amount of Rs.15,20,000/- with interest @ 9% p.a. thereon from the date of filing of the Claim Petition i.e. from 4th March 2002.

3. It is submitted that the applicants were totally depending on the income of the deceased and in view of his untimely death, they are in urgent need of some amount for their maintenance.
4. Respondent No.1-Insurance Company resists this Civil Application by submitting that there are several other issues involved in the Appeal considering the fact that the deceased himself was negligent and having regard to the same, this Court has also directed the present respondent No.1-Insurance Company to deposit only 50% of the amount of Award.
5. Considering the need of the applicants and having regard to the fact that the amount to the extent of approximately Rs.7,00,000/- to Rs.8,00,000/- has already been deposited in M.A.C.T., Pune in M.A.C.P. No.436 of 2002, the applicants are permitted to withdraw 50% of the amount deposited in the Tribunal, without furnishing any security, but subject to furnishing usual undertaking.
6. The amount of Rs.25,000/- deposited in this Court be transferred to the M.A.C.T., Pune in M.A.C.P. No.436 of 2002.
7. Civil Application is disposed of accordingly.

[DR. SHALINI PHANSALKAR-JOSHI, J.]