

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION**

**CIVIL APPLICATION NO.3179 OF 2016**

**IN**

**FIRST APPEAL NO.1297 OF 2014**

**Smt. Meenabai Hanumant Gaware**

**and and others**

**.. Applicants**

**IN THE MATTER BETWEEN**

**The New India Assurance Co. Ltd.**

**.. Appellant**

**Versus**

**Smt. Meenabai Hanumant Gaware**

**and and others**

**.. Respondents**

**Mr. V. B. Tapkir for the Applicants.**

**Mr. S. S. Jinsiwale for the Respondent.**

**CORAM : R.M. SAVANT, J.**

**DATE : 21<sup>st</sup> JULY 2016**

**PC.**

1           The above Civil Application has been filed for withdrawal of the amount which has been deposited by the Appellant/Insurance Company i.e. the New India Assurance Co. Ltd. in the MACT, Pune. The Applicant No.1 is the wife of the deceased, the Applicant No.2 is the son of the deceased and the Applicant Nos.3 and 4 are the married daughters of the deceased. It seems that the daughters have been got married after the

death of their father i.e. the deceased. The withdrawal is sought on the ground that the Applicant is facing financial stringency on account of the loans that she has taken for the marriage of the Applicant Nos.3 and 4. The challenge to the Award passed by the MACT, Pune by the Insurance Company is on the ground of negligence as also quantum.

2            In my view, having regard to the facts involved in the present case, it would be just and proper to permit the Applicants to withdraw the amount of Rs.8,71,400/- with commensurate interest from the total amount of Rs.29,57,086/- deposited by the Insurance Company. The Civil Application is allowed to the aforesaid extent and is disposed of. The MACT, Pune is directed to invest the balance amount in a fixed deposit of a Nationalized Bank initially for a period of two years and to be renewed thereafter for an appropriate period as deemed fit. The interest which is accrued to be added to the balance amount which is lying in deposit in the MACT, Pune.

**[R.M. SAVANT, J]**