

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.2906 OF 2012
IN
FIRST APPEAL NO.986 OF 2014

Naseembee Sayyed Kattimiya & Ors.	 Applicants
<i>In the matter between</i>	
United India Insurance Co. Ltd., Mumbai	 Appellant
<i>V/s.</i>	
Naseembee Sayyed Kattimiya & Ors.	 Respondents

Mr. R.S. Chahal for Applicants-Original Respondent Nos.1 to 5.

Mr. Rahul Mehta, i/by M/s. KMC Legal Venture, for the Respondent-Original Appellant.

CORAM : DR. SHALINI PHANSALKAR-JOSHI, J.

DATE : 1ST SEPTEMBER 2016.

P.C. :

1. Heard learned counsel for the parties.
2. This Civil Application is preferred by the original claimants seeking withdrawal of the entire amount of compensation, as deposited by the appellant-Insurance Company in M.A.C.T., Thane in M.A.C.P. No.526 of 2006. It is submitted that, the Deceased was the only bread-winner in the family and on account of his death, the applicants have no source of income to meet their bare necessities.
3. Learned counsel for the appellant-Insurance Company submits that

the quantum of compensation awarded by the Tribunal is quite on higher side and hence applicants cannot be permitted to withdraw the entire compensation amount.

4. In view thereof, considering the requirements of the applicants, it would serve the interest of justice, if the applicants are permitted to withdraw 50% of the compensation amount deposited in the Tribunal.

5. Accordingly, the Civil Application is allowed. The applicants are permitted to withdraw 50% of the compensation amount deposited in the Tribunal by the appellant-Insurance Company, without furnishing any security, but, subject to furnishing usual undertaking that, if the decision in the First Appeal goes against them, they will repay the entire amount with interest.

6. The amount of Rs.25,000/- deposited by the appellant-Insurance Company in this Court be transferred to the M.A.C.T., Thane in M.A.C.P. No.526 of 2006 and M.A.C.T., Thane, to invest the said amount in any Nationalized Bank, initially for a period of one year, to be renewed from time to time, till disposal of the First Appeal.

7. Civil Application, accordingly, stands disposed of.

[DR. SHALINI PHANSALKAR-JOSHI, J.]