

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

**CIVIL APPLICATION NO.482 OF 2016
WITH
CIVIL APPLICATION NO.3209 OF 2015
WITH
CIVIL APPLICATION NO.3210 OF 2015
IN
FIRST APPEAL (ST.) NO.19331 OF 2015**

Sapna Sudhir Avhale and Others	... Applicants
<i>In the matter between</i>	
The New India Assurance Company Limited	... Appellant
vs.	
Sapna Sudhir Avhale and Others	... Respondents

Mr. Vikas Shivarkar, for the Applicants
Mr. Sandeep Jinsiwale, for the Appellant.

CORAM: MRS.MRIDULA BHATKAR, J.

DATE: 2nd MARCH, 2016

P.C.:

. The civil application No. 482 of 2016 is moved for withdrawal of the compensation amount deposited by the Appellant in the lower Court.

2. The Appeal is directed against the judgment and order dated 5th January, 2015 passed by the learned Member, M.A.C.T.,

Pune in M.A.C.P. No. 864 of 2011 whereby the compensation of Rs. 14,68,000/- with interest 8% p.a. is awarded. The Applicant No. 1 is the widow of deceased and Nos. 2 and 3 are the minor children. The accident had taken place on 1st November, 2010. It is submitted that the Applicant Nos. 2 and 3 are minor children who are taking education and they required money for their education. Till today only Rs. 50,000/- is received by them towards 'no fault liability'.

3. The learned counsel for the Appellant/Insurance Company opposes the application.

4. Considering these submissions, the civil application is allowed. The Applicant No. 1/wife is allowed to withdraw Rs. 4 lacs. She is also allowed to withdraw Rs. 2 lacs each on behalf of the minor children/Applicant Nos. 2 and 3 on usual undertaking before the Tribunal.

5. Accordingly application stands disposed of.

(MRS.MRIDULA BHATKAR, J.)