

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.4038 OF 2016
IN
FIRST APPEAL (STAMP) NO.33674 OF 2012

Parvati Nana Jadhav & Ors.	 Applicants
<i>In the matter of</i>	
The Oriental Insurance Co. Ltd., Mumbai.	 Appellant
<i>V/s.</i>	
Parvati Nana Jadhav & Ors.	 Respondents

Mr. T.J. Mendon for the Applicants/Original Respondents-Claimants.

Ms. Divya Menon, i/by Mr. S.M. Vidyarthi, for the Respondent/Original Appellant-Insurance Company.

CORAM : DR. SHALINI PHANSALKAR-JOSHI, J.

DATE : 14TH SEPTEMBER 2016.

P.C. :

1. Heard learned counsel for the parties.
2. This Civil Application is filed by the original claimants seeking withdrawal of the amount of compensation, as deposited by the appellant-Insurance Company before the Tribunal. It is submitted that Deceased was the only earning member of the family. On account of his death, the applicants, who were totally depending on the Deceased, are suffering from starvation. Applicant No.1 is the old mother; applicant No.2 is the widow and applicant No.3 is the daughter of the Deceased.

3. Learned counsel for appellant-Insurance Company opposes this Civil Application on the ground that the compensation amount awarded to the applicants is exorbitant.

4. In view thereof, as the First Appeal is filed only to challenge the quantum of compensation, considering the requirements of the applicants, it is necessary to permit them to withdraw certain amount.

5. Accordingly, the Civil Application is allowed.

6. Applicant No.1-Mother is permitted to withdraw the amount of Rs.1,00,000/- and Applicant No.2-Wife is permitted to withdraw the amount of Rs.1,50,000/-, subject to furnishing usual undertaking but without furnishing any security.

7. The amount of Rs.25,000/- deposited by the appellant-Insurance Company in this Court be transferred to M.A.C.T., Mumbai in M.A.C.P. No.216 of 2002. The Tribunal is directed to invest the said amount in any Nationalized Bank, initially, for a period of one year, to be renewed from time to time, till the hearing of the First Appeal.

8. Civil Application stands disposed of in the above terms.

[DR. SHALINI PHANSALKAR-JOSHI, J.]