

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

FIRST APPEAL NO.1221 OF 2015
WITH
CIVIL APPLICATION NO.755 OF 2016

The New India Insurance Company Ltd. ... Appellant
vs.
Swati Vishwanath Tilekar and Others ... Respondents

Mr. Shrikant Dange, for the Appellant.
Mr. Shantaram Tarale, for Respondent Nos. 1, 3 and 4.

CORAM: **MRS.MRIDULA BHATKAR, J.**

DATE: **26th FEBRUARY, 2016**

P.C.:

. Admit.

2. The civil application is moved for withdrawal of the compensation amount of Rs. 14,05,000/- along with the interest accrued thereon awarded by the judgment and award dated 23rd January, 2015 by the learned Additional Member, M.A.C.T., Pune in M.A.C.P No. 962 of 2007.

3. The learned counsel for the Applicants submit that the original claimants are the parents, wife and daughter of the deceased. The accident has taken place in the year 2007 since then except the amount of 'no fault liability' nothing is received to the Applicants. The

Applicant No. 2 is a minor daughter and Nos. 3 and 4 are old parents of the deceased.

4. The learned counsel for the Insurance Company while opposing the application submitted that the Insurance Company challenges this order on many grounds especially on the ground that there is breach of the policy and order of pay and recover.

5. Considering the submissions of the learned counsel of both the parties and considering the amount deposited and the case of the Applicants/original claimants, I am inclined to allow the Applicants/claimants to withdraw 50% of the principal amount i.e. Rs. 7 lacs which can be apportioned between the claimants as Rs. 3 lacs to the widow/wife, Rs. 1 lac each to the parents and Rs. 2 lacs to the minor daughter on usual undertaking. The remaining amount shall be deposited in the nationalized bank as directed by the trial Court.

6. Accordingly Civil Application stands disposed of.

(MRS.MRIDULA BHATKAR, J.)