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

**CIVIL APPLICATION NO. 4853 OF 2016  
IN  
FIRST APPEAL (STAMP) NO. 9734 OF 2016**

Mr. Ramesh Jagannath Dhuri & Anr. .. Applicants

In the matter between

New India Assurance Co. Ltd. .. Appellant

Vs.

Mr. Ramesh Jagannath Dhuri & Ors. .. Respondents

Mr. D. R. Mahadik for the Appellant.

Mr. T. J. Mendon for the Respondents.

**CORAM : G. S. KULKARNI, J.**

**DATE : 14<sup>th</sup> DECEMBER, 2016.**

**P. C. :**

1. Not on board. Taken on board on a praecipe as moved on behalf of the applicants.

2. By this application, applicants/claimants are seeking withdrawal of the amount deposited by the appellant-Insurance Company. By the impugned Judgment and order the learned Member, M.A.C.T. has allowed the claim of the applicants/claimants by directing the opposite party to jointly and severally pay Rs.7,00,000/- including no fault liability with interest at the rate of 7.5% from the date of application till the date of realization of the amount. It is stated that accordingly the respondent/appellant has deposited with the Tribunal an amount of Rs.9,04,802/-. The

applicants/claimants submit that they are parents of the deceased aged 65 and 59 years. It is stated that applicant No.2 is bedridden since December, 2015. Medical certificate to that effect has been placed on record along with praecipe. I have perused the impugned order as also perused the averments in the civil application. Considering the facts of the case, learned counsel for the respondent-Insurance Company fairly submits that the applicants be permitted to withdraw an amount of Rs.5,00,000/- at this stage. Accordingly, the applicants are permitted to withdraw the amount of Rs.5,00,000/- from the amount as deposited by the respondent/appellant Insurance Company, subject to usual undertaking to be placed on record of this appeal within a period of two weeks from today.

3. The Civil Application is, accordingly, disposed of.

**[G. S. KULKARNI, J.]**