

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

FIRST APPEAL NO.1016 OF 2015
WITH
CIVIL APPLICATION NO.3010 OF 2015
WITH
CIVIL APPLICATION NO.477 OF 2016

Royal Sundaram Alliance Insurance
Company Limited ... Appellant
vs.
Leelavati @ Leelabai Sambhaji Borte
and Others ... Respondents

Mr. Nikhil Mehta i/b. KMC Legal Venture, for the Appellant.
Mr. Rahul Kate, for Respondent Nos. 1 to 4.

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

DATE: **2nd MARCH, 2016**

P.C.:

C.A. No. 3010 of 2015

. As the insurance company has deposited the entire amount of compensation alongwith the interest accrued thereon, the interim stay granted to the impugned judgment and award by an order dated 4th September, 2015 is hereby made absolute pending Appeal. Accordingly the stay application No. 3010 of 2015 is disposed of.

C.A. No. 477 of 2016

2. This application is moved for withdrawal of the amount. The Applicant No. 1 has lost her husband and Nos. 2 to 4 are the children of the deceased Sambhaji Borte. The learned Member, M.A.C.T., Baramati vide its judgment and award dated 18th October, 2014 passed in M.A.C.P. No. 16 of 2012 has fixed the compensation amount of Rs. 24,13,750/- along with the interest @ 9% p.a.

3. The learned counsel for the Insurance Company submits that the Insurance Company has deposited the entire amount along with the interest.

4. The learned counsel for the Applicants/claimants submit that the Applicant No. 1 is widow and Nos. 2 to 4 who are depending on the deceased are students and taking education, so money is required for their education and to run the house. He prays for withdrawal of the amount. The learned counsel for the Insurance Company opposes the application and he submits that the Appellant has good case on merits.

5. In view of these submissions, the Applicant-wife is allowed to withdraw Rs. 4 lacs and Applicant Nos. 2 to 4 are allowed to withdraw Rs. 2 lacs each on undertaking.

6. Accordingly Application No. 477 of 2015 is disposed of.

F.A. No. 1016 of 2015

7. Admit.

8. The learned counsel for Respondent Nos. 1 to 4 waives service. The service to Respondent No. 5 is already dispensed with.

(MRS.MRIDULA BHATKAR, J.)