

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.3439 OF 2016
IN
FIRST APPEAL NO.202 OF 2016

Smt. Sumitra Subhash Verma & Ors. .. Applicants

In the matter of :

Bajaj Allianz General Insurance Co. Ltd. .. Appellants

Versus

Smt. Sumitra Subhash Verma & Ors. .. Respondents

Ms. Yogita Deshmukh i/b. M.M.Sathaye for appellants

Mr. Avinash Gokhale for respondents.

CORAM : DR. SHALINI PHANSALKAR-JOSHI, J.

DATE : 30th August 2016.

P.C.

1] This is an application preferred by the original claimant seeking withdrawal of the compensation amount deposited by the insurance company in the tribunal on 18th April 2016.

2] It is submitted that the applicant No.1 is young widow and applicant No.2 is minor son. Applicant Nos. 3 and 4 are old parents of the deceased. They are not having source of income to maintain themselves

or even to educate applicant No.2. They were totally dependent on the deceased and on account of accident they are facing starvation.

3] Learned Counsel for the respondent has opposed this application for withdrawal of the entire amount of compensation on the ground that the award is challenged in respect of the quantum of the compensation as well as on the plea of contributory negligence. Further, it is submitted that the amount of compensation deposited in this court is also more than Rs.1 Crore and hence, it is urged that entire amount should not be allowed to be withdrawn as it would be difficult for the insurance company to recover the same if the decision goes against the applicants. In my considered opinion and having regard to the fact that the applicant No.2 is minor and his share cannot be allowed to be withdrawn at this stage. But, the needs of other applicants can be satisfied if they are permitted to withdraw 30% of the amount deposited with the tribunal subject to security.

4] The application is, therefore, allowed. The applicants are permitted to withdraw 30% of the amount of compensation deposited with the tribunal subject to furnishing of usual undertaking and security to the satisfaction of the Tribunal. Civil application is accordingly disposed of. Tribunal is directed to invest the remaining amount if not invested already

in any nationalised bank initially for a period of one year and to be renewed from time to time till disposal of the appeal.

5] The Civil Application is accordingly disposed off.

(JUDGE)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.568 OF 2016
IN
FIRST APPEAL NO.202 OF 2016

Bajaj Allianz General Insurance Co. Ltd. .. Applicants
Versus
Smt. Sumitra Subhash Verma & Ors. ..Respondents

Ms. Yogita Deshmukh i/b. M.M.Sathaye for appellants
Mr. Avinash Gokhale for respondents.

CORAM : DR. SHALINI PHANSALKAR-JOSHI, J.

DATE : 30th August 2016.

P.C.

1] As per the order passed by this Court on 10th February 2016, the applicant has deposited the entire amount of compensation within stipulated time. In view thereof, ad-interim stay granted earlier is made absolute till disposal of the appeal. Application is accordingly disposed of.

(Judge)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

FIRST APPEAL NO.202 OF 2016

Bajaj Allianz General Insurance Co. Ltd. .. Appellants
Versus
Smt. Sumitra Subhash Verma & Ors. ..Respondents

Ms. Yogita Deshmukh i/b. M.M.Sathaye for appellants
Mr. Avinash Gokhale for respondents.

CORAM : DR. SHALINI PHANSALKAR-JOSHI, J.

DATE : 30th August 2016.

P.C.

1] S.O. four weeks.

(JUDGE)