

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO.2564 OF 2016
IN
FIRST APPEAL NO.294 OF 2016**

**Seema Altaf Naik & Ors.
In the matter of
National Insurance Co. Ltd.**

vs.

Seema Altaf Naik & Ors

..Applicants

..Appellant

..Respondents

**Mrs. Sultana Sonawane for the Applicants
Mr. Amol Gatne for the Respondent / original Appellant**

CORAM : R. M. SAVANT, J.

DATE : 23rd JUNE, 2016

P.C.

1 The above Civil Application has been filed for withdrawal of the amount deposited by the Respondent original Appellant. The Appellant is the Insurance Company. The Insurance Company has deposited the amount of Rs.42,00,000/- which includes the principal amount of Rs.30,78,000/- along with interest which constitutes the said amount of Rs.42,00,000/-. The Applicants are the wife and daughters of the deceased. In the Appeal the Insurance Company is challenging the award of the MACT Pune on the grounds mentioned therein and the challenge is especially to the quantum awarded by the MACT Pune. It is not necessary to go into the said aspect at this stage. The ground on which the withdrawal is sought is that the Applicant No.1 has to look after her three daughters amongst whom one has reached

marriageable age, the other two daughters are studying.

3 In my view, the interest of justice would be served if out of the principal amount Rs.30,78,000/- the Applicants are allowed to withdraw an amount of Rs.5,00,000/- without security and amount of Rs.10,00,000/- by furnishing security to the satisfaction of the Trial Court. The Civil Application is allowed to the aforesaid extent and is disposed of as such.

4 Needless to state that withdrawal would be subject to the outcome of the First Appeal. The MACT Pune is directed to invest the remainder of the amount in a fixed deposit of a nationalised bank for a period of two years and thereafter to be renewed for an appropriate period.

[R.M.SAVANT, J]