

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.4028 OF 2016
IN
FIRST APPEAL (STAMP) NO.5173 OF 2014

Mahzbeen Fatima Sabir Siddiqui & Ors.	 Applicants
<i>In the matter of</i>	
ICICI Lombard General Insurance Company Ltd., Mumbai.	 Appellant
<i>V/s.</i>	
Mahzbeen Fatima Sabir Siddiqui & Ors.	 Respondents

Mr. T.J. Mendon for the Applicants/Original Respondent Nos.1 to 9.

Mr. Nikhil Mehta, i/by M/s. KMC Legal, for the Respondent/Original Appellant.

CORAM : DR. SHALINI PHANSALKAR-JOSHI, J.

DATE : 14TH SEPTEMBER 2016.

P.C. :

1. Heard learned counsel for the parties.
2. This Civil Application is preferred by the original claimants seeking withdrawal of the amount of compensation deposited by the appellant-Insurance Company with the M.A.C.T., Raigad-Alibag in M.A.C.P. No.396 of 2008.
3. It is submitted that the applicants are the legal heirs of the Deceased and applicant Nos.4 to 9 are the minor children. Applicant

Nos.1 and 2 are the widows of the deceased. They have no source of income and unable to maintain themselves and hence they may be permitted to withdraw certain amount for their maintenance and education of their minor children.

4. Learned counsel for the appellant-Insurance Company has opposed this Civil Application on the ground that the Driver of the vehicle was not having valid license.

5. In my considered opinion, having regard to the fact and on the count that the Driving License was found to be fake, considering the requirements of the applicants, which are the minor children, and the fact that hearing of the First Appeal is not likely to be held in the near future, applicants need to be permitted to withdraw at-least some amount for satisfying their daily requirements. Hence, the order.

“O R D E R”

Civil Application is allowed. Applicants are permitted to withdraw the amount of Rs.3,00,000/-, without furnishing any security, but on furnishing usual undertaking.

[DR. SHALINI PHANSALKAR-JOSHI, J.]