IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.3406 OF 2016
IN
FIRST APPEAL STAMP NO.21139 OF 2015

Smt. Suvarna Anil Renke .. Applicant

IN THE MATTER BETWEEN
National Insurance Co. Ltd. .. Appellant
Versus
Smt. Suvarna Anil Renke and others .. Respondents

Mr. Bhushan Walimbe for the Applicant.
Mr. Nikhil Mehta i/by KMC Legal Venture for the original Appellant.

CORAM : R.M. SAVANT, J.
DATE : 4th AUGUST 2016

P.C.

1 The above Civil Application has been filed for withdrawal of the amount deposited by the Insurance Company in the MACT, Karad, District Satara. The Applicants are the widow, son and daughters of the deceased Anil Renke. The said Anil Renke died in the accident which place in respect of the insured vehicle. The MACT, Karad has awarded compensation to the tune of Rs.29,66,000/- being the principal amount inclusive of NFL with 9% interest. The total amount therefore comes about

to Rs.37,00,000/- which has been deposited by the Insurance Company in the MACT, Karad. The Insurance Company has challenged the Award passed by the MACT, Karad inter-alia on the ground of negligence, quantum as also on the ground of computations of future prospects. It is required to be noted that the deceased was working as a security guard with the Kallappa Awade Co-operative Bank Ltd., Ichalkaranji, branch in Karad. The Trial Court has computed future prospects at 30%. By an order dated 05.08.2015 passed in Civil Application No.2610 of 2015 the Applicants were permitted to make withdrawal to the following extent :-

"I. Sou. Suvarna Anil Renke – 10%
II. Kum. Snehal Anil Renke – 10%
III. Sou. Yogini Sachin Thite Rs.2,00,000/-"

2 The instant application has been filed by the claimants seeking withdrawal for the reasons in the said application. The said reasons are mentioned in paragraphs 8 and 9 of the Civil Application which revolve around the fact that the Applicant No.2 has reached the marriageable age and the Applicant No.3 is interested in pursuing higher studies which would require to be funded. The Learned Counsel appearing for the original Appellant i.e. Insurance Company opposes the withdrawal on the ground that the Insurance Company has sanguine hopes of succeeding in the Appeal.

3 In my view, it would be just and proper to permit the Applicants to withdraw a further amount of Rs.14,00,000/- from the amount which is lying in deposit in the MACT, Karad. Out of the said amount of Rs.14,00,000/-, an amount of Rs.3,00,000/- to be kept in the name of the Applicant No.2 in a fixed deposit for a period of two years and amount of Rs.2,00,000/- to be kept in a fixed deposit in the name of the Application No.3, so that their interest can be protected. The balance remaining after the aforesaid withdrawal would be a sufficient buffer for the Insurance Company, if it ultimately succeeds in the Appeal. The Civil Application is accordingly allowed to the aforesaid extent and is disposed of.

4 Needless to state that the said withdrawal is subject to the result of the Appeal.

[R.M. SAVANT, J]