

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 1214 OF 2014

IN

CIVIL APPLICATION NO. 3297 OF 2009

IN

FIRST APPEAL NO. 1233 OF 2009

Smt. Sujata Rajendra Ghadage & Ors. ...Applicants

In the matter between

The Manager, Oriental Insurance Co. Ltd. ...Appellant

Versus

Smt. Sujata Rajendra Ghadage & Ors. ...Respondents

Mr. S.G. Thorat, for the Applicants/Original Respondents.

Ms. Rupam Ghosh, for the original Appellant.

Mr. Akshay Kulkarni, i/b Mr. A.M. Kulkarni, for the Respondents No. 6 & 7.

CORAM : R.M. SAVANT, J.

DATE : 4th August 2016

P.C. :

1. The above Civil Application has been filed for being permitted to withdraw the monthly interest which has accrued on the amount lying in deposit that is from 27th September 2010 till date.

The Applicants are the heirs of the deceased being the widow, children and mother of the deceased. The MACT, Sangli has awarded compensation to the tune of Rs. 7,77,000/- which is the principal amount along with 10 percent interest thereon, which amount comes to Rs. 9,17,672/-. The said amount of Rs. 9,17,672/- has been deposited by the Insurance Company in the MACT, Sangli. Pursuant to the order dated 10th February 2010, it seems that 50 percent of the amount was allowed to be withdrawn by the Applicants, by virtue of the order passed on the same date i.e. 10th February 2010 in Civil Application No. 3297 of 2009. Accordingly, the Applicants have withdrawn an amount of Rs. 4,65,846/-. The balance 50 percent was directed to be invested in a fixed deposit of a Nationalised Bank.

2. The Applicants are now seeking withdrawal of the interests which is accrued on the balance remaining amount of Rs. 4,65,846/-. The Applicants have also filed a First Appeal claiming enhancement which is, numbered as First Appeal No. 1311 of 2011 which has been admitted on 29th June 2011. The Applicants are claiming enhancement as well as higher rate of interest. Insofar as the present Application is concerned, the withdrawal is sought on the ground that the Applicant No. 1 requires the amount to fund the

education of her two children which is stated in paragraph 9 of the Additional Affidavit. Since the earlier withdrawal was in the year 2010 and since the Applicant No. 1 is housewife and sometime works as a labour, in my view, it would be just and proper to allow the above Civil Application and to permit the Applicants to withdraw the interest accrued on the amount Rs. 4,65,846/- lying in deposit. Out of the said withdrawal, the amount of Rs. 10,000/- each would be kept in the name of the two minor children in a fixed deposit of a Nationalised Bank initially for a period of two years and thereafter renewed if necessary and the interest therefrom to be utilised for their education.

3. The above Civil Application is accordingly disposed of.
4. Needless to state that the withdrawal would be subject to the result of the Appeal.
5. No further withdrawal will be permitted hereinafter.

[R.M. SAVANT, J.]