IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.3194 OF 2015

IN

FIRST APPEAL NO.195 OF 2016

Smt. Supriya Deepak Hire and others .. Applicants

IN THE MATTER BETWEEN

The New India Assurance Co. Ltd. .. Appellant

Versus

Smt. Supriya Deepak Hire and others .. Respondents

Mr. T. J. Mendon for the Applicants.
Mr. D. R. Mahadik for the original Appellant.

CORAM : R.M. SAVANT, J.
DATE : 3rd AUGUST 2016

P.C.

1 The above Civil Application has been filed for withdrawal of the amount which has been deposited by the Appellant Insurance Company i.e. The New India Assurance Co. Ltd. in the MACT, Thane. The Applicants are the widow, minor daughter and the parents of the deceased. The deceased was working as Manager in Sidhivinayak Enterprises which was in the business of warehousing and export packaging. The income of the deceased was taken at Rs.2,08,100/- for two years on the basis of the Income Tax Returns which were produced before the MACT, Thane. The Trial Court has thereafter applied the multiplier of

16 and arrived at the figure of Rs.24,83,000/- and granted 9% interest on the said amount of compensation. The said amount totals to Rs.36,67,697/-. The challenge in the First Appeal is on the ground of quantum as according to the Insurance Company the income of the deceased has been wrongly computed. It is also the case of the Insurance Company that there is no worthwhile evidence on record to justify the income of Rs.2,08,100/- for two years. As indicated above, the claimants have relied upon the Income Tax Returns filed for the year 2008-09 and 2009-10.

2 In my view, having regard to the fact that the claimants are the widow, minor daughter as also aged parents of the deceased, it would be just and proper to permit the Applicants to withdraw an amount of Rs.15,00,000/- with commensurate interest out of the total amount that is deposited. The balance amount which is remaining would be a sufficient buffer for the Insurance Company if it ultimately succeeds in the Appeal on the point of quantum. The Civil Application is accordingly allowed to the aforesaid extent. The balance amount to be invested by the MACT, Thane in a fixed deposit of a Nationalized Bank initially for a period of two years and thereafter to be renewed appropriately as deemed fit.

[R.M. SAVANT, J]