

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**CIVIL APPLICATION NO.3639 OF 2016
IN
FIRST APPEAL STAMP NO.2167 OF 2015**

Marcus E Bhosale and ors. : Applicants

In the matter between

The Oriental Insurance Co. Ltd. : Appellant.

Versus

Marcus E Bhosale and ors. : Respondents.

**Mrs. Varsha Chawan for the Applicants original Respondent Nos.1 to 3
Mr. D S Joshi for the original Appellant.**

**CORAM : R. M. SAVANT, J.
DATE : 10th August 2016**

P.C.

1 The above Civil Application has been filed for withdrawal of the amount deposited by the Appellant Insurance Company in the MACT Mumbai. The deceased was a bachelor. The Applicant Nos.1 and 2 are the parents and the Applicant No.3 is the sister of the deceased.

2 The principal ground of challenge is the wrong application of multiplier 17 instead of multiplier 9 as according to the Appellant Insurance Company the age of the parents is the determining factor rather than the age of the deceased. Assuming that be so, the Applicants – Claimants would be entitled to at least 50% of the amount awarded by the MACT, Mumbai.

3 In my view, therefore, it would be just and proper to permit the Applicants/Claimants to withdraw the amount of Rs.8,00,000/- with commensurate interest out of an total amount deposited by the Insurance Company. In my view, the balance remaining would be a sufficient buffer for the Insurance Company if it ultimately succeeds in the above First Appeal. Needless to state that the withdrawal would be the subject to the result of the above First Appeal. The balance amount to be invested by the MACT, Mumbai in Fixed Deposit in a Nationalized Bank initially for a period of two years and thereafter to be renewed for appropriate periods as deemed fit. The above Civil Application is accordingly disposed of.

[R.M.SAVANT, J]