

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Amk

CIVIL APPLICATION NO. 4205 OF 2016
IN
FIRST APPEAL (STAMP) NO. 23874 OF 2015

Beatriz Abilio Nunes & Ors. .. Applicant

In the matter between

ICICI Lombard General Insurance Co. Ltd. .. Appellant

Vs.

Beatriz Abilio Nunes & Ors. .. Respondents

Ms. Deepika Motagi i/b Res Juris for the Appellant.

Ms. Seema K. i/b Sujeet Kurup for Applicants/Respondent Nos.1 to 3.

CORAM : DR. SHALINI PHANSALKAR-JOSHI, J.

DATE : 1st OCTOBER, 2016.

P. C. :

1. Heard learned counsel for the parties.
2. This is an application preferred by the original claimants seeking withdrawal of the amount of compensation as deposited by the appellant in Tribunal.
3. It is submitted that the applicant No.1 is the widow of the deceased and her running age is of 68 years, she suffers from various ailments and therefore, she needs money for her medical expenses.
4. Hence, considering the requirement of the applicant and there is no likelihood of appeal being heard in recent years, the application is partly allowed. The applicants are permitted to withdraw 50% of the

amount of compensation deposited by the Insurance Company in the Tribunal, subject to furnishing an usual undertaking but without any security. The Tribunal is directed to invest the balance amount in any nationalized bank till the disposal of the appeal.

5. The Civil Application is disposed of accordingly.

[DR. SHALINI PHANSALKAR-JOSHI, J.]