

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 3843 OF 2016
IN
FIRST APPEAL NO.1038 OF 2016

Smt. Chhaya M Gophane and ors Applicants.
V/s.
The New India Assurance Co.Ltd Respondents

Mr. Vasant P. Kadam, h/f Yuvraj P. Narvankar, for the Applicants.
Mr. Himanshu B. Takke, i/by Milind V. Moe, for the Respondent.

CORAM : DR. SHALINI PHANSALKAR-JOSHI, J.

DATE : 29TH AUGUST, 2016.

P.C. :

1. This is an application for withdrawal of amount of compensation as deposited by the Insurance Company with the Tribunal. The applicants are the claimants. It is submitted that the deceased was the only bread earner. The applicant No.1 is the widow, applicant Nos 2 & 3 are the minor children; whereas applicant Nos.4 and 5 are old parents. They have no other source of income either for their maintenance or for education of the minor children.

2. Learned counsel for appellant insurance company has objection for withdrawal of the entire amount, on the grounds that it would be against the directions of the Tribunal. The Tribunal has ordered to invest an amount of Rs.10 lacs, each in the name of minor children and

therefore those amounts should not be allowed to be withdrawn.

3. It is true that as regards minor children applicant Nos 2 & 3, amounts invested in their names cannot be permitted to be withdrawn at this stage as they will be entitled to get said amounts only after they become major.

4. However, the fact remains that applicant No.1 requires some amounts for their maintenance and education. Therefore, as regards applicant No.1, she is permitted to withdraw an amount of Rs.5,00,000/- subject to usual undertaking to be furnished before the Tribunal.

5. Similarly, considering the age of applicant Nos.4 and 5, who are parents of the deceased, as Tribunal has awarded them an amount of Rs.2,00,000/- each, they are permitted to withdraw an amount of Rs.1,00,000/- each subject to furnishing usual undertaking.

6. Learned counsel for submits that an amount Rs.25,000/- deposited with this Court be transferred to the Tribunal. Registry is directed to transfer an amount of Rs.25,000/- deposited in this Court to the Tribunal at Vaduj, District: Satara. The Tribunal on receipt of this amount, shall invest it in any nationalized bank initially for a period of one year and thereafter to be renewed from time to time till disposal of the appeal. Application is disposed of accordingly.

[DR. SHALINI PHANSALKAR-JOSHI, J.]