

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.3759 OF 2016
IN
FIRST APPEAL (STAMP) NO.24606 OF 2015

Ranjana Raju Kharat & Ors.	 Applicants
<i>In the matter between</i>	
ICICI Lombard General Insurance Co. Ltd., Mumbai	 Appellant
<i>V/s.</i>	
Ranjana Raju Kharat & Ors.	 Respondents

Mr. Y.P. Narvankar for the Applicants-Original Respondent Nos.1 and 3.

Ms. Allena George, a/w. Ms. Deepika Motagi, i/by M/s. Res Juris, for the Respondent – Original Appellant.

CORAM : DR. SHALINI PHANSALKAR-JOSHI, J.

DATE : 25TH AUGUST 2016.

P.C. :

1. Heard learned counsel for the parties.
2. This Civil Application is preferred by the original claimants seeking withdrawal of the compensation amount under the Award, as deposited by the appellant-Insurance Company in the Tribunal. It is submitted that the applicant No.1 is the widow; applicant No.2 is the minor child and applicant Nos.3 and 4 are the parents of the Deceased. For their day-to-day maintenance, they need certain amount, in view of the death of the Deceased, who was the only earning member of the family.

3. Learned counsel for the appellant-Insurance Company opposes this Civil Application on the count that the defence of the Deceased as not having the Driving License was also raised, coupled with some other defences. Hence, it is submitted that the applicants may not be permitted to withdraw the entire amount unconditionally.

4. Considering the need of the applicants for certain amount, at-least for their day-to-day maintenance and education of the minor child, this Civil Application is partly allowed and the applicants are permitted to withdraw 50% of the amount deposited in the Tribunal, without furnishing any security, but subject to furnishing usual undertaking.

5. Civil Application is disposed of accordingly.

[DR. SHALINI PHANSALKAR-JOSHI, J.]