

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Amk

CIVIL APPLICATION NO. 2532 OF 2016
IN
FIRST APPEAL (STAMP) NO. 3645 OF 2015

Armin Bomi Kandawala & Ors. .. Applicants

In the matter between

Reliance General Ins. Co. Ltd. .. Appellant

Vs.

Armin Bomi Kandawala & Ors. .. Respondents

Mr. A. M. Gokhale for the Applicants.

Ms. Allena George i/b Res Juris for Respondent/Appellant.

CORAM : DR. SHALINI PHANSALKAR-JOSHI, J.

DATE : 26th SEPTEMBER, 2016.

P. C. :

1. This is an application for withdrawal of the amount of compensation as deposited with the Trial Court as per the award.

2. It is submitted that the applicant No.4 is the aged mother, applicant No.1 is the widow and applicant No.2 is the daughter of the deceased. It is submitted that deceased was the only earning member and due to his death, the applicants are having no source of income.

3. Learned counsel for the respondent-Insurance Company has raised objection for withdrawal of the entire amount of compensation.

4. In view thereof, considering the requirement of the applicants, the application deserves to be allowed partly to the extent of 50% of the amount deposited with the Trial Court, including the amount of Rs.2,00,000/- which the applicants are permitted to withdraw in pursuance of the order passed by the Division Bench of this Court on 09.06.2015, subject to furnishing of usual undertaking without any security.

5. The application is, accordingly, allowed and finally disposed of.

[DR. SHALINI PHANSALKAR-JOSHI, J.]