

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.4096 OF 2016

IN

FIRST APPEAL (STAMP) NO.6583 OF 2016

1. Smt. Sayali Sanjay Jadhav & Anr.	]	
2. Master Ninad Sanjay Jadhav.	]	... Applicants

In the matter of :

United India Ins. Co. Ltd.	]	... Appellant
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Versus

1. Smt. Sayali Sanjay Jadhav & Anr.	]	
2. Master Ninad Sanjay Jadhav.	]	... Respondents

Mr. T. J. Mendon for Applicants.

Ms. Jaitali Mathuria i/b Varsha Chavan for Original Appellant in First Appeal.

CORAM :- DR. SHALINI PHANSALKAR-JOSHI, J.
DATE :- OCTOBER 26, 2016

P. C. :-

1. This is an application preferred by the original claimants who are widow and minor son of the deceased, seeking withdrawal of the amount of compensation. It is submitted that due to untimely death of the deceased, the applicants have lost their only source of income. The applicant no.2 is a minor son who is suffering from

blood cancer and hence substantial amount is required for his medical treatment.

2. Further, the learned Counsel for applicants draws attention of this Court to Note No.3 of the appeal memo at page 5 which clearly states that the original claim was for Rs.24,99,240/- and the Award is also passed for Rs.24,99,240/-. The appellant has restricted its appeal to Rs.9,57,480/-.

3. In view thereof, as rightly submitted by the learned Counsel for applicants and which is not challenged by the learned Counsel for respondents also, except for this amount of Rs.9,57,480/-, remaining amount can be allowed to be withdrawn by the applicants. Accordingly, the application is allowed.

4. The applicants become entitled to withdraw the remaining amount of Rs.15,41,760/- with proportionate interest accrued thereon, subject to furnishing of usual undertaking.

5. The Civil Application is disposed of accordingly.

(DR.SHALINI PHANSALKAR-JOSHI, J.)