

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.1430 OF 2015
IN
FIRST APPEAL st. NO.11639 OF 2013

Smt.Surekha Nandkishor Badgujar & Ors. ... Applicants

IN THE MATTER BETWEEN

The New India Assurance Co. Ltd. ... Appellant

Vs.

Smt.Surekha Nandkishor Badgujar & Ors. ... Respondents

Mr.T.J. Mendon for the Applicants
Mr.Milind More for Respondents

CORAM: **MRS.MRIDULA BHATKAR, J.**

DATE: **6th JANUARY, 2016**

P.C.:

1. This application is filed by the original claimants seeking permission to allow the applicants i.e., the original claimants to withdraw the amount deposited by the insurance company. The learned Counsel for the claimants submits that it was a death claim filed by the widow and two minor children. He submits that except the amount towards NFL, no other amount is received by the claimants. He submits that the award is of Rs.26,13,569/- alongwith interest @ 7.5% p.a. The learned Counsel further submits that considering the financial condition of the applicants, the entire amount be allowed to be withdrawn.

2. The learned Counsel for the appellant/insurance company submits that the appellant has deposited the entire decretal amount and interest which comes to approximately Rs.36 lacs.

3. I have gone through the impugned judgment and order. In view of the submissions of the learned Counsel for the parties, the applicants i.e., the original claimants, are allowed to withdraw Rs.15,00,000/- (Rupees Fifteen lacs only) on furnishing usual undertaking to the satisfaction of the Registrar General of this Court, in the following manner:

Applicant No.1 / wife – Rs.10,00,000/- (Rupees Ten lacs)

Applicant Nos.2 and 3, i.e., the children – Rs.2,50,000/- each (Rupees Two Lacs and Fifty thousand only) totalling to Rs.5 lacs

4. Civil Application stands disposed of accordingly.

(MRIDULA BHATKAR, J.)