

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.3726 OF 2016
IN
FIRST APPEAL (ST) NO.30223 OF 2009

Abhimanyu Mahada Kamble and ors Applicants.

V/s.

The New India Assurance Co.Ltd. Respondent

Mr. T.J. Mendon, for the Applicants.

Ms. Poonam Mittal for the Respondent Nos. 1 to 4.

CORAM : DR. SHALINI PHANSALKAR-JOSHI, J.

DATE : 24TH AUGUST, 2016.

P.C. :

1. This application is preferred by the original claimant for withdrawal of the compensation amount. It is submitted that the deceased was the only bread-winner. Applicant Nos. 1 & 2 are the parents of deceased and applicant Nos.3 to 5 are his minor brothers and sisters. They are having no source of income. For their expenses, they need certain amount. As the only dispute raised in this appeal is relating to quantum of compensation.

2. In view thereof, the applicants are permitted to withdraw 70% of the deposited amount in the trial Court, subject to furnishing usual undertaking.

3. The learned counsel for Insurance Company submits that an amount of Rs.25,000/- deposited in this Court be transferred to the Tribunal.

4. Registry to transfer the said amount of Rs.25,000/- to the Tribunal and the Tribunal to invest the said amount 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 off accordingly.

[DR. SHALINI PHANSALKAR-JOSHI, J.]