

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.3788 OF 2014
IN
FIRST APPEAL NO.1100 OF 2012

Swati Deepak Patil & Ors.	 Applicants
V/s.	
National Insurance Co. Ltd., Mumbai & Ors.	 Respondents

Mr. A.M. Kulkarni for the Applicants.

Mr. A.A. Gatne for the Respondents.

CORAM : DR. SHALINI PHANSALKAR-JOSHI, J.

DATE : 25TH AUGUST 2016.

P.C. :

1. Heard learned counsel for the parties.

2. This is an application preferred by the applicants-original claimants for withdrawal of the amount of compensation, as deposited by the respondent No.1-Insurance Company in the Tribunal. It is submitted that applicant No.1 is the widow; applicant Nos.2 and 3 are the minor children and applicant Nos.4 and 5 are the parents of the deceased. The deceased was the only earning member of the family and now the amount is needed to the applicants for their maintenance and to satisfy their bare necessities.

3. Learned counsel for respondent No.1-Insurance Company opposes this Civil Application by submitting that the entire amount cannot be

allowed to be withdrawn, specifically considering that applicant Nos.2 and 3 are the minors.

4. Having regard to the requirements and the need of the applicants and, as stated in paragraph No.(V) of the Memo of Appeal, as respondent No.1-Insurance Company is not disputing its liability to the extent of at-least Rs.6,00,000/-, that much amount can definitely be permitted to be withdrawn, subject to furnishing usual undertaking.

5. Hence, the Civil Application is allowed partly. Applicants are permitted to withdraw the amount of Rs.6,00,000/-, without furnishing any security, but subject to furnishing usual undertaking.

6. Civil Application is disposed of in the above terms.

[DR. SHALINI PHANSALKAR-JOSHI, J.]