

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**CIVIL APPLICATION NO. 4438 OF 2016
IN
FIRST APPEAL (STAMP) NO. 21337 OF 2016**

Sou.Kashibai @ Kasturabai Kallappa Jakune & Ors.	...	Applicants
<u>In the matter between</u>		
The New India Assurance Co.Ltd.	...	Appellant
Versus		
Sou.Kashibai @ Kasturabai Kallappa Jakune & Ors.	...	Respondents

Mr.Balvant V. Salunkhe for Applicants.
Ms.Poonam Mital for Appellant.

CORAM : DR.SHALINI PHANSALKAR-JOSHI, J.

DATE : 27TH OCTOBER, 2016.

P.C. :

1] Heard the learned counsel for the applicants and appellant.

2] This is an application preferred by the original claimants seeking withdrawal of the entire decretal amount of compensation as deposited by the Insurance Company with the tribunal.

3] It is submitted that applicant nos.1 and 2 are the parents and applicant no.3 is the brother of the deceased. It is urged that due to

the untimely death of the deceased, applicant nos.1 and 2 had lost their only source of income and they had also incurred substantial expenses for his treatment.

4] The learned counsel for the appellant/Insurance Company submits that the appeal is preferred against the quantum of compensation and also the amount awarded towards the future prospects.

5] In view thereof, having regard to the need of the applicant nos.1 and 2, they are permitted to withdraw the 50% amount of the total amount deposited with the tribunal subject to furnishing of usual undertaking without insisting for any security.

6] The Civil Application is accordingly disposed of.

7] An amount of Rs.25,000/- deposited in this Court be transferred to the Motor Accident Claims Tribunal, Sangli.

8] The remaining amount be invested in any “Nationalized Bank” initially for a period of one year, to be renewed thereafter from time to time till decision of this appeal.

(DR.SHALINI PHANSALKAR-JOSHI, J.)