IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.2585 OF 2016

IN

FIRST APPEAL STAMP NO.3725 OF 2013

Mrs. Kalpana Chandrahas Netalkar .. Applicant

IN THE MATTER BETWEEN

United India Insurance Company Limited .. Appellant

Versus

Kalpana Chandrahas Netalkar and others .. Respondents

Mr. Datta Mane for the Applicant/ original Respondent Nos.1 and 2.
Ms. Varsha Chavan, for the Respondent.

CORAM : R.M. SAVANT, J.
DATE : 8th JULY 2016

P.C.

1. The above Civil Application has been filed for withdrawal of the amount deposited by the Insurance Companies in the MACT, Thane. The Appellant herein i.e. the United India Insurance Company Limited has deposited an amount of Rs.11,42,199/- and the New India Assurance Company Limited has deposited an amount of Rs.6,32,850/-. The Award is of the year 2012. The New India Assurance Company Limited has yet not filed an Appeal challenging the said Award. In so far as the Applicant is concerned, she has lost two family members. However, the present First

Appeal concerns the Award in respect of her son Rajesh Netalkar. Pursuant to the order passed in Civil Application No.1644 of 2013, the Insurance Company i.e. United India Insurance Company Limited has deposited an amount of Rs.11,42,199/- in the MACT, Thane as also the New India Assurance Company Limited has deposited an amount of Rs.6,32,850/- in terms of the order passed by the MACT, Thane. Both the Insurance Companies were made jointly and severally liable. Hence, liability of the United India Insurance Company Limited would be to the same extent as the amount deposited by the New India Assurance Company Limited Rs.6,32,850/-. Since the New India Assurance Company Limited has not filed an Appeal, it would be just and proper to permit the Applicant to withdraw the amount of Rs.6,32,850/- deposited by the New India Assurance Company Limited without security. In so far as the United India Insurance Company Limited is concerned, the Applicant is permitted to withdraw an amount of Rs.3,67,150/- so as to make the total amount available to the Applicant as Rs.10,00,000/-. The balance amount to be invested by the MACT i.e. the amount over and above Rs.6,32,850/- in a fixed deposit of a Nationalized Bank for a period of two years from date. This is in the context of the fact that United India Insurance Company Limited intends to file an application to withdraw the amount in excess of Rs.6,32,850/- which according to it is its liability under the Award.

2. Needless to state that the withdrawal of the amount as aforesaid would be subject to the result of the First Appeal. The Civil Application is accordingly disposed of.

[R.M. SAVANT, J]