

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION  
CIVIL APPLICATION NO.708 OF 2016  
IN  
FIRST APPEAL NO.756 OF 2015

|                                 |                  |
|---------------------------------|------------------|
| Sandeep Madhukar Gijare & Anr.  | .... Applicants  |
| <i>In the matter between</i>    |                  |
| The Municipal Corporation of    |                  |
| Gr. Mumbai                      | .... Appellant   |
| Vs.                             |                  |
| Sandeep Madhukar Girjare & Anr. | .... Respondents |

Mr. Navin Sheth with Mr. Sagar Sheth for the Applicants.  
Mr. Madhukar Kalzunkar with Ms Namita Mestry  
i/b Navdeep Vora & Associates for the Appellant/  
Original Opponent.

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

**DATE :** FEBRUARY 24, 2016

**P.C:**

1. This application is moved for withdrawal of the amount of compensation which was fixed at Rs.37,34,446/- with interest at the rate of 7.5% per annum from the date of the application. The wife of applicant No.1 and mother of applicant No.2 expired in a road accident on 2-2-2005. Learned counsel

for the applicants submits that no amount is withdrawn till today by the applicants. Learned counsel for the Insurance Company opposes the application. He submits that the Insurance Company has a good case on merits. The Award is challenged on the point of multiplier, quantum, negligence, so also the earning of the deceased is challenged.

2. Learned counsel for the applicants submitted that applicant No.2 was 2-years old when she lost the mother. Now she is 11-years of age and she is taking education.

3. In view of the submissions of learned counsel of both sides, I allow applicant No.1-husband to withdraw an amount of Rs.15,00,000/- on his furnishing usual undertaking to the satisfaction of the Tribunal and the remaining amount pertaining to Siddhi and applicant No.1 is to be invested in fixed deposit in any nationalized bank.

4. The application accordingly stands disposed of.

(MRIDULA BHATKAR, J.)