

Vidya Amin

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION No. 3269 OF 2017
IN
FIRST APPEAL (St.) No. 28587 OF 2016

P. Chandrahas A. Sanjiv Shetty & Anr. ... Applicants
Vs.
The Manager,
The New India Assurance Co. Ltd. ... Respondent

Mr. T.J. Mendon, Advocate for applicant nos. 1 and 2.
Mr. D.R. Mahadik, Advocate for the respondent.

CORAM: MRS.MRIDULA BHATKAR, J.
DATE: 31st October, 2017.

P.C.:

Upon urgent mentioning, taken on production board.

2. This Application is moved by the applicants/original claimants for withdrawal of an amount of Rs.28,92,750/- along with interest @7.5% p.a. deposited by the insurance company/original appellant pursuant to the judgment and award dated 31st August, 2015 passed by the learned Member, Motor Accident Claims Tribunal, Raigad-Alibag in M.A.C.P. No. 616 of 2009.

3. The learned counsel for the applicants submitted that the applicants are the parents of the deceased. Therefore, they be

allowed to withdraw the amount deposited by the insurance company.

4. The learned counsel for the appellant/insurance company submitted that the driver of the offending vehicle was drunk. He submitted that the insurance company has good case against the order of award. He submitted that the entire decretal amount along with interest is deposited.

5. Considering the facts of the case and the submissions, the original claimants, i.e., parents of the deceased are allowed to withdraw an amount of Rs.14,00,000/- with interest accrued thereon on an usual undertaking. The remaining amount is to be deposited in the fixed deposit in any nationalized bank.

6. Civil Application is allowed and is accordingly disposed of.

(MRIDULA BHATKAR, J.)