

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

**CIVIL APPLICATION NO.2947 OF 2017
IN
FIRST APPEAL (ST.) NO. 28419 OF 2016**

Smt. Meera Ganesh Khude and Anr.

...Applicants

Versus

Chief Officer, Bharti AXA General Insurance
Company Ltd.

...Respondent

.....

Mr.Vilas B. Tapkir h/f. Mr.Ajay A. Joshi for the Applicants.
Mr.Rahul Mehta i/b. KMC Legal Venture for the original Appellant in FA
(St.) No. 28419 of 2016.

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**CORAM: MRS.MRIDULA BHATKAR, J.
DATED: SEPTEMBER 26, 2017**

P.C. :

1. Upon urgent mentioning, taken on Production Board.
2. This Application is moved for withdrawal of an amount deposited by the insurance company/original appellant pursuant to the judgment and award dated 16.02.2016 passed by the Motor Accident Claims Tribunal, Satara, in M.A.C.P. No. 673 of 2010.
3. The learned counsel for the applicants submitted that the applicants are the wife and minor daughter of the deceased. He submitted that till today, the applicants have not received any amount, except no fault liability.

4. The learned counsel for the insurance company opposed this application and submitted that the insurance company has filed the appeal on the ground of quantum and the deceased was gratuitous licensee.

5. In view of the submissions and the reasons mentioned in the application, the applicants are allowed to withdraw 50% amount of the compensation 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.)