

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

**CIVIL APPLICATION NO. 610 OF 2017
IN
FIRST APPEAL NO. 1177 OF 2016**

Mrs. Lalita Kukaram Parmar & Ors. ...Applicants

IN THE MATTER BETWEEN

The New India Assurance Co. Ltd. ...Appellant

Versus

Mrs. Lalita Kukaram Parmar & Ors. ...Respondents

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Mr.Yuvraj P.Narvankar for the Applicants.

Mr.Devendranath S. Joshi for the Original Appellant in FA.

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**CORAM: MRS.MRIDULA BHATKAR, J.
DATED: NOVEMBER 02, 2017**

P.C. :

1. Upon urgent mentioning, taken on Production Board.
2. This Application is moved by the applicants/original claimants for withdrawal of an amount of Rs. 10,00,000/- along with interest @ 8% p.a. deposited by the insurance company/original appellant pursuant to the judgment and award dated 6th July 2015 passed by the learned Additional Member, Motor Accident Claims Tribunal, Pune in M.A.C.P. No. 631 of 2011.

3. Learned counsel for the applicants submits that the applicants are the parents and minor brother of the deceased. He further submits that as per apportionment, an amount of Rs. 3 lakhs each is granted to the parents of the deceased and an amount of Rs. 4 lakhs is granted to minor brother of the deceased. Therefore, they be allowed to withdraw the amount deposited by the insurance company.
4. Learned counsel for the insurance company opposes this application.
5. Considering the facts of the case and the submissions, the original claimant nos. 1 and 2 i.e. parents of the deceased are allowed to withdraw an amount of Rs. 2 lakhs each with interest accrued thereon on an usual undertaking and the remaining amount is to be deposited in the fixed deposit in any nationalized bank. It is specifically mentioned in the order that an amount of Rs. 4 lakhs is to be kept in the fixed deposit as the brother of the deceased is nine years old.
6. Civil Application is allowed and is accordingly disposed of.

(MRIDULA BHATKAR, J.)