

Vidya Amin

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION No. 2366 OF 2017
IN
FIRST APPEAL (St.) No. 21444 OF 2016

Smt. Shabana Irfan Ahmed Shaikh & Ors. ... Applicants
Vs.
Reliance General Insurance Co. Ltd. ... Respondent

Ms. Valmik Borse i/b. Mr. A.M. Gokhale, Advocate for the applicants.
Ms. Poona Mital, Advocate for the respondent/original appellant.

CORAM: MRS.MRIDULA BHATKAR, J.
DATE: 22nd November, 2017.

P.C.:

Upon mentioning, taken on production board.

2. This Application is moved by the applicants/original claimants for withdrawal of an amount of Rs.27,61,250/- along with interest @7.5 p.a. deposited by the insurance company/original appellant pursuant to the judgment and award dated 22nd March, 2016 passed by the learned Member, Motor Accident Claims Tribunal, Mumbai in M.A.C.P. No. 1599 of 2011. The learned Member has apportioned the amount of compensation as 30% to applicant no. 1/wife of deceased, 20% to applicant no. 4/father of deceased and 25% each to be paid to minor children of deceased.

3. The learned counsel for the applicants submitted that the applicants are the widow, father and minor children of the deceased and they need money for their survival. Therefore, they be allowed to withdraw the amount deposited by the insurance company.

4. The learned counsel for the applicant/insurance company 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the facts of the case and the submissions, 50% of the amount along with interest accrued thereon is allowed to be withdrawn by applicant no. 1/widow and applicant no. 4/father of the deceased as per their entitlement on an usual undertaking.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.)