

Vidya Amin

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION No. 765 OF 2017
IN
FIRST APPEAL (St.) No. 23954 OF 2016

Smt. Hafiza Dstagir Mujawar & Ors.	... Applicants
In the matter between	
National Insurance Co. Ltd.	... Appellant
Vs.	
Smt. Hafiza Dstagir Mujawar & Ors.	... Respondents

Mr. Yogesh Thorat i/b. Mr. Ashok B. Tajane, Advocate for the applicants.
Mr. Rahul Mehta i/b. KMC Legal Venture, Advocate for original appellant.

CORAM: **MRS.MRIDULA BHATKAR, J.**
DATE: **20th December, 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 compensation deposited by the insurance company pursuant to the judgment and award dated 5th January, 2016 passed by the learned Member, Motor Accident Claims Tribunal & District Judge-3, Solapur in M.A.C.P. No. 85 of 2012.

3. The learned counsel for the applicants submitted that the

applicant no. 1 is the widow and applicant nos. 2 to 7 are the children of the deceased. Applicant no. 1/widow is expired pending Application before the Tribunal. The learned counsel submitted that the applicants need money for their survival and support. Therefore, they be allowed to withdraw the amount of compensation.

4. The learned counsel for the insurance company while opposing this Application has submitted that the appellant has good case on the point of negligence, quantum and also on dependency, as applicant nos. 2 to 7 are major.

5. On perusal of the impugned judgment and award and in view of the submissions, applicant nos. 2 to 7 are allowed to withdraw an amount of Rs.50,000/- each alongwith interest accrued thereon on an usual undertaking.

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

(MRIDULA BHATKAR, J.)