

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

**CIVIL APPLICATION NO.2318 OF 2017
IN
FIRST APPEAL (ST) NO.29713 OF 2015**

Smt.Kunda Dattatraya Kamathe & Ors. ... Applicants

IN THE MATTER OF:

Bajaj Allianz General Insurance Company Ltd. ... Appellant

Vs.

Smt.Kunda Dattatraya Kamathe & Ors. ... Respondents

Mr.T.J. Kapre i/b J.S. Kapre for Applicants / Original claimants
Ms.Yogita Deshmukh for the Appellant Insurance Company

CORAM: MRS.MRIDULA BHATKAR, J.

DATE: AUGUST 16, 2017

P.C.:

1. The original claimants have moved this application for withdrawing the amount of compensation deposited by the Insurance company. The Motor Accident Claims Tribunal has awarded an amount of Rs.35,24,481/- as compensation alongwith interest @ 7.5% p.a.. Today, as per the record shown by the Registry, an amount of Rs.50,75,314/- is deposited. The learned Counsel for the applicants/claimants submits that her two sons are taking education and applicant No.5 is an aged mother and so the family needs money.

2. Learned Counsel for the insurance company opposes the application on the ground that the insurance company has good defence.

3. In view of the submissions, amount of Rs.5 lakhs each is allowed to be withdrawn by the applicants on furnishing of usual personal undertaking before the Registrar, Motor Accident Claims Tribunal, Raigad-Alibag. The remaining amount shall be invested in a fixed deposit with a nationalised bank till the disposal of the appeal.
4. Civil Application is disposed of accordingly.

(MRIDULA BHATKAR, J.)