

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

**FIRST APPEAL NO. 200 OF 2015
WITH
CIVIL APPLICATION NO. 1788 OF 2015
IN
FIRST APPEAL NO. 200 OF 2015**

Smt. Pooja Ashok Mishra and Ors. ...Applicants

Versus

The New India Insurance Co. Ltd. ...Respondent

.....

Mr.T.J.Mendon for the Applicants.

Mr.Ramesh K. Cheulkar for the original Appellant in FA No. 200 of 2015

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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 filed by the applicants for withdrawal of the amount deposited by the insurance company.
3. By the order dated 28.03.2014, the learned Member, Motor Accident Claims Tribunal, Mumbai, in M.A.C.P. No. 1838 of 2011 has granted compensation of Rs. 26 lakhs along with interest @ 7.5% p.a.
4. The learned counsel for the applicants submitted that the applicants are wife, two minor children and old father of the deceased.

5. Learned counsel for the insurance company submits that the insurance company has good case on merits and opposed this application.

6. In view of the submissions and facts of the case, an amount of Rs.4 lakhs is allowed to be withdrawn by applicant no.1/mother; Rs. 3 lakhs is allowed to be withdrawn by applicant no. 4 /father and an amount of Rs.2 lakhs each is allowed to be withdrawn by applicant no.1/mother on behalf of applicant nos.2 and 3, who are minor children of applicant no.1. The remaining amount shall be invested in a fixed deposit of a nationalised bank. The withdrawal shall be allowed after furnishing undertaking and personal bond in the said amounts.

7. Civil Application is disposed of accordingly.

(MRIDULA BHATKAR, J.)