

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.1348 OF 2017
IN
FIRST APPEAL st. NO.29224 OF 2016

Smt.Suman Rajaram Avachari & Ors. ... Applicants

IN THE MATTER BETWEEN

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

Vs.

Smt.Suman Rajaram Avachari & Ors. ... Respondents

Mr.K.U. Patil for the Applicant

Mr.Shubham Misar h/f H.G. Misar for Appellant

CORAM: **MRS.MRIDULA BHATKAR, J.**

DATE: **AUGUST 8, 2017**

P.C.:

1. In the present First Appeal, the order dated 26.4.2016 passed by the learned Member, Motor Accident Claims Tribunal, Karad in MACP No.27 of 2013, thereby awarding compensation @ 8% p.a. is challenged. The learned Member, Motor Accident Claims Tribunal, Karad, has directed that the amount of Rs.5 lakhs be invested in Fixed Deposit in the name of Claimant No.1 i.e., the wife, for a period of 10 years and she was allowed to collect the monthly or quarterly interest on the said amount. The learned Counsel for the Insurance

Company submitted that the Insurance Company has deposited the entire amount alongwith interest of Rs.21,71,709/-.

2. The Civil Application is moved by the original claimants praying for withdrawal of the said amount deposited by the appellant/insurance company.

3. The learned Counsel for the Insurance Company has opposed the application.

4. Heard the learned Counsel for the parties. The applicant/wife is allowed to withdraw Rs.4 lakhs and Respondent Nos.2 and 3 are allowed to withdraw Rs.1,50,000/- each. Rest of the amount is to be deposited in the Fixed Deposits with a nationalised bank, to be renewed annually thereafter.

5. With the above directions, the Civil Application is disposed of.

(MRIDULA BHATKAR, J.)