

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.1288 OF 2016
IN
FIRST APPEAL st. NO.9273 OF 2014

Smt.Shardadevi Hanumansingh Rajpurohit & Ors. ... Applicants

IN THE MATTER BETWEEN

National Insurance Co. Ltd. ... Appellant

Vs.

Smt.Shardadevi Hanumansingh Rajpurohit & Ors. ... Respondents

Mr.Y.P. Narvankar for the Applicants

Mr.Sanjay Krishnan I/b H.M. Rane for orig.Appellant in FAST/9273/2014

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

DATE: **SEPTEMBER 6, 2017**

P.C.:

1. This application is moved for withdrawal of the decretal amount deposited by the Insurance Company. By order dated 29.8.2013 passed by the Member, Motor Accident Claims Tribunal, Pune, the Insurance Company and the owner were directed to pay jointly and severally an amount of Rs.8,87,500/- to the applicants with interest @ 9% p.a.
2. The learned Counsel for the Insurance Company submits that the Insurance Company has deposited the decretal amount alongwith the

interest accrued thereon. The learned Counsel for the applicant submits that the applicant No.1 is a widow of the deceased and applicant Nos.2 and 3 are the children.

3. Heard the learned Counsel for the parties. For the reasons mentioned in the application and also as the children are taking education, out of the principal amount of Rs.8,87,500/-, an amount of Rs.2 lakhs is allowed to be withdrawn by applicant No.1 / mother; Rs.1 lakh is allowed to be withdrawn by applicant No.2 Rajusingh and an amount of Rs.1 lakh is allowed to be withdrawn by applicant No.1 on behalf of applicant No.3, who is a minor daughter of applicant No.1.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.

4. Civil Application is disposed of accordingly.

(MRIDULA BHATKAR, J.)