

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

**FIRST APPEAL NO. 287 OF 2016
WITH
CIVIL APPLICATION NO. 3137 OF 2016
IN
FIRST APPEAL NO. 287 OF 2016**

Shri Pandurang Govind Sawant & Ors. ...Applicants

Versus

United India Insurance Co. Ltd. ...Respondent

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Mr.T.J.Mendon for the Applicants.

Mr. Rahul Mehta i/b. KMC Legal Venture for the original Appellant in FA No. 287 of 2016.

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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 19.08.2015, the learned Member, Motor Accident Claims Tribunal, Mangaon, in M.A.C.P. No. 69 of 2012 has granted compensation of Rs. 23,84,750/- along with interest @ 9% p.a.
4. The learned counsel for the applicants submitted that the deceased was admitted in the hospital and he was treated for a long

time and after period of one year he died due to injuries sustained by him in the accident. The applicants are the parents and three minor children of the deceased. He further submitted that till today, the applicants have not received any amount, except no fault liability.

5. Learned counsel for the insurance company submits that the insurance company has taken defence on the ground of income and negligence.

6. In view of the submissions and facts of the case, an amount of Rs.4 lakhs each is allowed to be withdrawn by applicant nos.1 and 2; Rs. 1 lakh each is allowed to be withdrawn by applicant no. 2 on behalf of applicant nos. 3 to 5, who are minor children of the deceased. The remaining amount shall be invested in a fixed deposit of a nationalised bank. The withdrawal shall be allowed on an usual undertaking.

7. Civil Application is disposed of accordingly.

(MRIDULA BHATKAR, J.)