

Atul

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO. 1701 OF 2015
IN
FIRST APPEAL NO. 1282 OF 2014

Reliance General Insurance Co Ltd	...Appellant
<i>Versus</i>	
Seema Vivek Malpure & Ors	...Respondents

Ms Deepita Motagi, *a/w Priti Pandey, i/b RES Juris, for the Appellant.*
Mr Anilkumar Patil, *for the Respondents/Applicants.*

CORAM: G.S. PATEL, J
DATED: 11th July 2017

PC:-

1. This is a Civil Application by Respondents Nos. 1 to 4 seeking withdrawal of the amount deposited. The collision was between a Maruti Car and a truck. They collided in the middle of the Pune-Nashik Road on 9th May 2009 near Nandur Shingote, Taluka Sinnar. On the basis that there was a case made out for contributory negligence, the MACT Pune reduced the compensation by 25% and finally awarded Rs. 97,48,000/-. An amount of Rs. 2,50,000/- was allowed to be withdrawn earlier but that withdrawal has not in fact been made.

2. The principal challenge is on the ground of quantum saying that the income of the deceased was wrongly computed.
3. Having regard to these circumstances and particularly since the compensation has already been reduced by 25%, I will permit the Applicants to withdraw Rs. 75 lakhs with proportionate interest upon furnishing an undertaking. Security is not required in the facts and circumstances of this case.
4. The MACT Pune will permit withdrawal acting on an authenticated copy of this order.
5. The statutory deposit amount of Rs. 25,000/- is to be transferred to the MACT Pune.
6. The remaining amount deposited as also the transferred amount of Rs. 25,000/- both will be invested by the MACT Pune in a fixed deposit with any nationalized bank.
7. The Civil Application is disposed of in these terms with no order as to costs.

(G. S. PATEL, J)