

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.3477 OF 2017
IN
FIRST APPEAL st. NO.9270 OF 2011

Smt.Kalpana Girish Matai & anr. ... Applicants

IN THE MATTER OF:

Oriental Insurance Co. Ltd. ... Appellant

Vs.

Smt.Kalpana Girish Matai & Ors. ... Respondents

Mr.T.J. Mendon for the Applicants
Mr.D.S. Joshi for Appellant / Insurance Co.

CORAM: MRS.MRIDULA BHATKAR, J.

DATE: NOVEMBER 8, 2017

P.C.:

1. This is an application for withdrawal of the amount of compensation granted by the learned Member, Motor Accident Claims Tribunal, Mumbai vide his order dated 20.8.2010.

2. The learned Counsel for the applicants / original claimants submits that it is an injury claim. However, the injured Girish Matai died during the pendency of the claim application. The legal heirs of the injured deceased i.e., the widow and the major son, have contested the application. The learned Member, Motor Accident

Claims Tribunal, has directed that the entire amount of compensation be paid to the applicant Kalpana Girish Matai, the widow of the deceased, and no amount is given to the major son.

3. The learned Counsel for the insurance company i.e., the appellant, submits that the insurance company has raised serious objection in respect of granting full amount of medical expenses as some bills are not proved. So also, the compensation for loss of love and affection is granted erroneously.

4. In view of the submissions and after going through the judgment and award, an amount of Rs.1,50,000/- is allowed to be withdrawn towards the medical expenses plus Rs.50,000/- towards the Loss of Estate. Thus, a total amount of Rs.2 lakhs is allowed to be withdrawn alongwith the accrued interest, subject to the applicants furnishing a usual undertaking to the satisfaction of the learned Registrar, Motor Accident Claims Tribunal, Mumbai. The remaining amount shall be invested in a fixed deposit of a nationalised bank.

5. List the appeal after 10 weeks for admission. R & P be called for.

6. Civil Application stands disposed of accordingly.

(MRIDULA BHATKAR, J.)