

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

**FIRST APPEAL NO. 1142 OF 2014
WITH
CIVIL APPLICATION NO. 2995 OF 2017
IN
FIRST APPEAL NO. 1142 OF 2014**

Mrs.Vinaya Udaybabu Shah & Anr.

...Applicants

Versus

Royal Sundaram Alliance Insurance
Co. Ltd. & Ors.

...Respondents

.....

Mr.Harshad A. Sathe a/w. Mr.Saurabh Bhutala for the Applicants.
Mr.Rahul Mehta i/b. KMC Legal Venture for the Original Appellant in FA
No. 1142 of 2014.

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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 moved for withdrawal of an amount deposited by the insurance company/original appellant pursuant to the judgment and award dated 13.06.2014 passed by the Motor Accident Claims Tribunal, Pune, in M.A.C.P. No. 247 of 2004.
3. The learned counsel for the applicants submitted that the physical condition of the father of the deceased is bad. He is suffering from various ailments and, therefore, he need money for medical treatment.

He further submitted that till today, the applicants have not received any amount, except no fault liability.

4. Learned counsel for the original appellant/ insurance company vehemently opposed this application. He submits that the insurance company has filed this appeal especially on the point of income and also on the point of multiplier.

5. In view of the submissions and the reasons mentioned in the application, the applicants are allowed to withdraw 50% amount of the compensation on an usual undertaking. The remaining amount is to be deposited in the fixed deposit in any nationalized bank.

6. Civil Application is allowed and is accordingly disposed of.

(MRIDULA BHATKAR, J.)