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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO. 1776 OF 2017
IN
FIRST APPEAL ST NO. 20429 OF 2016

Shobha Lalitkumar Sonigra & Ors	...Applicant
<i>Versus</i>	
National Insurance Co Ltd & Anr	...Respondents

Ms Ayodhya Patki, *with Nitesh Bhutekar, for the Applicants.*
Mr SS Dwivedi, *for Respondent No. 1.*

CORAM: G.S. PATEL, J
DATED: 27th June 2017

PC:-

1. This is an Application by the original Claimants to withdraw the amount deposited by the Insurance Company. The claim before the Motor Accident Claims Tribunal arose out of a fatal accident that occurred on 6th October 2007 while Lalitkumar Sonigra, the husband of the 1st Claimant and the father of Claimants Nos. 2 and 3 was crossing the road at Lotus Junction, Govandi. He was knocked down by a speeding bus bearing registration No. MH-01-L-7281. He was severely injured and later succumbed to his injuries at Shatabdi Hospital.

2. The Applicants claimed that Lalitkumar managed and ran the Sonigra Jain Orchestra and used to arrange musical shows. They said his income was Rs. 12,000/- per month. Leaving aside the other details, the Tribunal ultimately found for the Applicants in the amount of Rs. 22,71,800/- with 9% interest. In the present Civil Application, original Claimants point out that all three of them were fully dependent on the deceased. The daughter, Applicant No. 3, suffers from a genetic disorder. She has suffered medical issues and delayed physical and mental development. There are photographs annexed to this Civil Application, a certificate issued by the Mahavir Nursing Home and another by the genetic clinic attached to the Indian Council of Medical Research attesting to the 3rd Applicant's condition.

3. Having regard to this material, I see no reason to discredit what I have been told. The only question is how much can be permitted to be withdrawn.

4. The entire amount awarded with interest has been deposited. The principal ground in Appeal is the dispute about the income of the Appellant and the multiplier adopted by the Tribunal. Even if that be the case, I see no difficulty in allowing the Applicants to withdraw for now an amount of 50% of the amount deposited. This will include the proportionate amount of interest accrued as well.

5. The Applicants may withdraw 50% of the deposited amount with proportionate interest accrued thereon.

6. The MACT will act on an authenticated copy of this order.
7. The Civil Application is disposed of in these terms with no order as to costs.

(G. S. PATEL, J)