

Vidya Amin

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 1796 OF 2017
IN
FIRST APPEAL NO. 496 OF 2017

Smt. Bharati Rajendra Kale & Ors.	... Applicants
In the matter between	
M/s. Safety Motors Pvt. Ltd.	... Appellant
Vs.	
General Manager,	
Mahindra & Mahindra Ltd. & Ors.	... Respondents

Mr. Sangramsinh S. Yadav, Advocate for the applicants.
Mr. Mayura Maru, Advocate for the original appellant in first Appeal.
Mr. Ashwin Balagopal h/f. Mr. A.M. Gokhale, Advocate for respondent no. 1.

CORAM: **MRS.MRIDULA BHATKAR, J.**
DATE: **27th September, 2017.**

P.C.:

Upon urgent mentioning, taken on production board.

2. This Application is moved for withdrawal of an amount deposited by the original appellant pursuant to the judgment and award dated 19th May, 2016 passed by the learned Member, Motor Accident Claims Tribunal, Satara in M.A.C.P. No. 70 of 2011. The learned Member has granted compensation of Rs.17,00,000/- including NFL along with interest @ 9% p.a. The learned Member apportioned the compensation between petitioner nos. 1 to 4, i.e.,

widow Rs.6,00,000/-, two children Rs.4,00,000/- each and mother of the deceased Rs.2,50,000/-.

3. The learned counsel for the applicants submitted the applicants are in need of money. There are two minor children and old mother and therefore, the applicants be allowed to withdraw the amount.

4. The learned counsel for the appellant submitted that the appellant has a very good ground to succeed in the Appeal.

5. Considering the judgment and award and the submissions, the applicants are allowed to withdraw 50% of the amount deposited by the appellant 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.)