

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.2078 OF 2017
IN
FIRST APPEAL NO.768 OF 2017

Chaya Bharat Mali & anr. ... Applicants

IN THE MATTER OF:

Bajaj Allianz General Insurance Co. Ltd. ... Appellant

Vs.

Chaya Bharat Mali & Ors. ... Respondents

Mr.Bhushan Walimbe for the Applicants

CORAM: **MRS.MRIDULA BHATKAR, J.**

DATE: **4th OCTOBER, 2017**

P.C.:

1. Upon urgent mentioning, taken on Production Board.
2. None appears for the appellant – insurance company, though served. Acknowledgment showing service on Mr.Sathay, learned Counsel of the Insurance Company, is produced.
3. This Civil Application is moved for withdrawal of the amount of compensation of Rs.418,000/- with interest @ 7% p.a., deposited by the appellant insurance company as per the judgment and order dated 14.3.2014 passed by the learned Member, Motor Accident Claims Tribunal, Islampur, in MACP No.49 of 2012.

4. The learned Counsel for the applicant submitted that the application is filed by the mother of the deceased and applicant No.2, the brother of the deceased. The Tribunal has granted 80% share of the compensation to the mother and 20% share to the brother of the deceased.
5. For the reasons stated in the Civil Application, 50% of the amount of total compensation with interest is allowed to be withdrawn by the applicants, as per their shares under the impugned judgment and order dated 14.3.2014. The balance amount shall be invested in a Fixed Deposit with a nationalised bank.
6. Civil Application is disposed of accordingly.

(MRIDULA BHATKAR, J.)