

Vidya Amin

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 2617 OF 2017
IN
FIRST APPEAL (ST.) NO. 15796 OF 2015

Smt. Neha @ Parwati Santosh Malage & Anr. ... Applicants

in the matter between

The New India Assurance Company Ltd. ... Appellant

Vs.

Smt. Neha @ Parwati Santosh Malage & Ors. ... Respondents

Mr. Nitesh P. Hinduja i/b. Mr. Ashok B. Tajane, Advocate for the applicants.

Ms. S.S. Dwivedi, Advocate for the original appellant.

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

DATE: **26th September, 2017.**

P.C.:

This Application is moved for withdrawal of an amount deposited by the insurance company/original appellant pursuant to the judgment and award dated 12th December, 2014 passed by the learned Chairman, Motor Accident Claims Tribunal, Solapur in M.A.C.P. No. 149 of 2009.

2. The learned counsel for the applicants submitted that the applicant no. 1 is the wife and applicant no. 2 is the mother of the deceased. Till today, no amount is withdrawn. Therefore, they be

allowed to withdraw the entire amount deposited by the insurance company.

3. The learned counsel for the appellant/insurance company submitted that the insurance company has good ground to succeed in the Appeal on non-payment of premium.

4. Considering the judgment and award and the submissions, the original claimants, i.e., wife and mother of the deceased are allowed to withdraw 50% of the amount deposited by the insurance company on an usual undertaking. The remaining amount is to be deposited in the fixed deposit in any nationalized bank.

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

(MRIDULA BHATKAR, J.)