

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

**CIVIL APPLICATION NO.2866 OF 2017
IN
FIRST APPEAL st. NO.14384 OF 2015**

Smt.Rani Dnyaneshwar Maske & Ors. ... Applicants

IN THE MATTER OF:

The New India Assurance Co. Ltd. .. Appellant

Vs.

Smt.Rani Dnyaneshwar Maske & Ors. ... Respondents

Mr.A.A. Joshi for the Applicants

Mr.D.S. Joshi for Appellant

**CORAM: Mrs.MRIDULA BHATKAR, J.
DATED: SEPTEMBER 20, 2017**

P.C. :

1. Upon urgent mentioning, taken on Production Board.
2. The application is moved for withdrawal of the amount which was awarded by judgment and order dated 20.9.2014 passed by Motor Accident Claims Tribunal, Pandharpur in MACP No.35 of 2011. The amount awarded is Rs.21,82,500/- with interest @ 8% p.a. from the date of the filing of the application.
3. The learned Counsel for the applicant submits that applicant No.1 is a widow and applicant Nos.2 to 4 are minor children and applicant Nos.6 and 7 are the dependent parents.

4. The appellant-insurance company submits that the insurance company has a good case in the appeal on the point of negligence as there is ahead on collision between the truck and the motor cycle.

5. In view of the submissions and for the reasons stated in the Civil Application, the applicant Nos.1 to 6 are allowed to withdraw Rs.2 lakhs each. Applicant No.1 – Smt.Rani Dnyaneshwar Maske is authorised to withdraw the money on behalf of her minor children i.e., applicant Nos.2, 3 and 4. All the withdrawals shall be allowed subject to furnishing of usual undertaking before the Registrar, Motor Accident Claims Tribunal, Pandharpur, District Solapur. The balance amount shall be invested in a fixed deposit with a nationalised bank.

6. Civil Application is accordingly disposed of.

(MRIDULA BHATKAR, J.)