

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.2441 OF 2017
IN
FIRST APPEAL st. NO.14588 OF 2016

Shakuntala M. Tate & Ors.

... Applicants

IN THE MATTER OF

HDFC Ergo General Insurance Co. Ltd.

... Appellant

Vs.

Shakuntala M. Tate & Ors.

... Respondents

Mr.R.S. Alange for Applicants

Mr.A.P. Kulkarni for the Appellant

CORAM: MRS.MRIDULA BHATKAR, J.

DATE: 27th SEPTEMBER, 2017

P.C.:

1. The Civil Application is moved by the original claimants for withdrawal of the amount deposited by the appellant insurance company in the Motor Accident Claims Tribunal, Solapur as per the order dated 6.11.2015. The compensation awarded by the Motor Accident Claims Tribunal in MACP No.112 of 2014 is Rs.15,03,840/- with interest @ 7.5% p.a.

2. The learned Counsel for the applicants submits that the applicants are the original claimants and parents of the deceased son. Till today, except the NFL amount, they did not receive any amount.

3. The learned Counsel for the insurance company while opposing this application, has submitted that the insurance company has good case on merits in the appeal. He submitted that the driver is not made a party who is a private party and the said ground, though raised in the written statement, the Tribunal did not consider it. It is further submitted that the multiplier adopted is wrong and the challenge is also given on the point of quantum.

4. Heard. In view of the submissions, the applicant father and mother are allowed to withdraw Rs.4 lakhs each, on furnishing usual undertaking before the Registrar, Motor Accident Claims Tribunal, Solapur.

5. Civil Application is disposed of accordingly.

(MRIDULA BHATKAR, J.)