

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

**CIVIL APPLICATION NO. 1937 OF 2017
IN
FIRST APPEAL (ST.) NO. 7104 OF 2015**

Madhuri Jaykumar Patil ...Applicant

In the matter Between

Brihan Mumbai Mahanagar Palika
Through the General Manager ...Appellant

Versus

Madhuri Jaykumar Patil & Ors. ...Respondents

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Ms.Varsha Chavan for the Applicant in CAF No. 1937 of 2017 and for Respondent Nos. 1 to 4 FA (St.) No. 7104 of 2015.
Mr.Madhukar Kalzunkar i/b. Mr.Navdeep Vora Associates for the Original Appellant in FA (St.) No. 7104 of 2015.

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**CORAM: Mrs.MRIDULA BHATKAR, J.
DATED: AUGUST 08, 2017**

P.C. :

1. This Civil Application is moved for withdrawal of the amount of compensation, which is awarded by the learned Member, Motor Accident Claims Tribunal, Mumbai, in Claim Application No. 2549 of 2008 by order dated 01.08.2014.

2. Applicant no.1 is a original claimant and the wife of the deceased, applicant No. 2 is a son and applicant nos. 3 and 4 are the parents of

the deceased. The learned Member, Motor Accident Claims Tribunal, Mumbai has allowed the claim of Rs. 22,02,192/- alongwith interest accrued thereon. As per the order, an amount of Rs. 6,02,192/- is to be paid to applicant no.1, Rs. 3,00,000/- each is to be paid to applicant nos. 3 and 4 and Rs. 10,00,000/- is to be invested in the name of minor i.e. applicant no.2 till he attains the age of majority and hence, the said amount of minor i.e. applicant no.2 is not to be disturbed.

3. Learned Counsel for the original appellant-BEST has raised an objection on the ground that the original claimant has not disclosed the correct address. Now, applicant no.1 is employed.

4. While deciding this Civil Application, I am of the view that the objection raised by the learned counsel for the respondent is irrelevant. Hence, I allow this Civil Application and pass the following order.

ORDER

- (i) Applicant no.1 i.e. a wife and applicant nos.3 and 4 i.e. the parents are allowed to withdraw an amount of Rs. 6,02,192/- and Rs. 3,00,000/- each respectively, totaling an amount of Rs.12,02,192/-.

(ii) The investment of the remaining amount in
Nationalized Bank to continue.

5. Civil Application No. 1937 of 2017 is allowed and disposed of
accordingly.

(MRIDULA BHATKAR, J.)