

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.2193 OF 2017
IN
FIRST APPEAL st. NO.7736 OF 2017

Kanchan Jayantilal Gandhi ... Applicant

IN THE MATTER OF:
New India Assurance Company Ltd. ... Appellant

Vs.

Kanchan Jayantilal Gandhi & Ors. ... Respondents

Ms.Varsha Chavan for the Applicant
Ms.Poonam Mittal for Appellant – Insurance co.

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

DATE: **SEPTEMBER 6, 2017**

P.C.:

1. This is an application for withdrawal of the amount deposited by the Insurance Company pursuant to the judgement and award passed by the learned Member, Motor Accident Claims Tribunal, Mumbai on 22.7.2016. The Motor Accident Claims Tribunal had granted a compensation of Rs.45,60,000 with interest @ 9% p.a. and accordingly, the insurance company has deposited an amount of Rs.74,71,592/- on 31.5.2017. the learned Member, Motor Accident Claims Tribunal has directed 80% of the amount of compensation to be paid to the applicant/widow and 20% of the amount to be paid to the son i.e., applicant No.2.

2. Learned Counsel appearing for the Insurance Company opposed the application and submitted that the insurance company has good defence on the point of quantum.
3. Considering the impugned judgment and order and also the submissions of the learned counsel for the parties, the applicant / widow is allowed to withdraw Rs.20 lakhs and the son is allowed to withdraw Rs.5 lakhs, however, subject to furnishing of undertaking and P.R. bond to that effect before the Registrar, Motor Accident Claims Tribunal, Mumbai. The remaining amount shall be invested in a fixed deposit with a nationalised bank till the disposal of the First Appeal.
4. Civil Application is disposed of accordingly.

(MRIDULA BHATKAR, J.)