

Vidya Amin

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION No. 2442 OF 2017
IN
FIRST APPEAL (ST.) No. 6981 OF 2014

Smt. Manisha Ashish Varade & Ors. ... Applicants
Vs.
The New India Assurance Co. Ltd. ... Respondent

Mr. Rajan S. Pawar, Advocate for the applicants.
Mr. Sudhakar Pandaram i/b. Mr. Milind V. More, Advocate for
respondent nos. 1 to 3.

CORAM: MRS.MRIDULA BHATKAR, J.
DATE: 23rd August, 2017.

P.C.:

This Application is moved for withdrawal of entire amount of Rs.46,71,480/- which was deposited by the insurance company pursuant to the judgment and award dated 28th October, 2013.

2. The learned counsel submitted that by order dated 2nd April, 2014 this Court has allowed applicant no. 1/wife of the deceased and applicant no. 3/mother of the deceased to withdraw total amount of Rs.2,50,000/-. He submitted that the applicants require money for day-to-day living and education of applicant no. 2/son of the deceased.

3. The learned counsel for the insurance company points out that in the operative part of the judgment and award dated 28th October,

2013, the learned Member, Motor Accident Claims Tribunal, Nashik had made some arrangement of keeping the amount in the Fixed deposit in the name of applicant no. 1/widow of deceased and applicant no. 2/son of deceased.

4. The original decretal amount is Rs.38,22,371/-, out of which Rs.2,50,000/- is withdrawn by the original claimant nos. 1 and 3, i.e., wife and mother of deceased. As per the order, they are entitled to amount of Rs.5,00,000/- each. Hence, the wife and mother of the deceased are allowed to withdraw an amount of Rs.2,50,000/- each at this stage by furnishing personal bond before the Tribunal. The interest part of their respective entitlement is to be deposited in the nationalized bank.

5. It is informed by the learned counsel for the applicants that applicant no. 2/son of the deceased is doing Engineering and needs money to pay the fees. Hence, applicant no. 2/son of the deceased is allowed to withdraw an amount of Rs.5,00,000/-. The remaining amount is to be deposited in the nationalized bank.

6. Civil Application is disposed of.

(MRIDULA BHATKAR, J.)