

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

**CIVIL APPLICATION NO.3712 OF 2016
IN
FIRST APPEAL NO.689 OF 2016**

Smt.Daxa Dilip Modi & Ors. ..Applicant No.3

IN THE MATTER BETWEEN :

Oriental Insurance Company Ltd. ..Appellant
(Org. Insurer)

V/s.

1.Smt.Daxa Dilip Modi & Ors. ..Respondents

Mr.D.S. Joshi for the Appellant.

Mr.Mehta i/by M/s. KMC Legal for the Applicant No.3 in Civil Application No.3712 of 2016 and for Respondent No.1 in First Appeal No.689 of 2016.

CORAM : M. S. SONAK, J.

DATE : 09 JANUARY 2017.

P.C.

1. This is an application by the respondents for withdrawal of the compensation amount which has been already deposited by the appellant before the concerned MACT.

2. In the appeal memo, the appellant by way of

ground (k) has urged the following:-

“(k) The learned Tribunal ought to have considered monthly income of the deceased for the purpose of calculation of compensation as Rs.44,792.29 (Basic Rs.25,651.85 and HRA Rs.19,140.44) as per last salary slip.”

3. If the aforesaid ground is to be accepted, and the compensation amount would work out to approximately Rs.26,08,000/-. In such circumstances, there is really been no objection to the respondent No.1 (original claimant no.1-widow) withdrawing an amount of Rs.26,08,000/- along with interest accrued thereon up to date from the MACT without furnishing any security. Leave is accordingly granted to the respondent No.1 to withdraw the said amount.

4. In so far as the remaining amount is concerned the MACT to invest the same in a Nationalized Bank, initially for a period of three years and to renew such fixed deposit from time to time until the disposal of the appeal. Such amount shall abide by the final order in this appeal.

5. In the facts and circumstances of the present case, including, in particular, the ground raised by the applicants in paragraph No.10 to the effect that they are needy lower middle class person requiring funds for living daily life and routine, there is case made out or permit further withdrawals. The remaining claims are reported to be in service.

6. The Civil Application is accordingly disposed of in the aforesaid terms.

7. All concerned to act on the basis of authenticated copy of this order.

(M. S. SONAK, J.)