

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

**FIRST APPEAL NO. 1034 OF 2016
WITH
CIVIL APPLICATION NO. 3158 OF 2015
IN
FIRST APPEAL NO. 1034 OF 2016**

Sunanada Narayan Jangam ...Applicant

IN THE MATTER OF

United India Insurance Co. Ltd. ...Appellant

Versus

Shri.Narayan Baleling Jangam (Deleted)

Sunanada Narayan Jangam & Anr. ...Respondents

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Mr.T.J.Mendon for the Applicant.

Mr. Rahul Mehta i/b. KMC Legal Venture for the Respondent.

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**CORAM: MRS.MRIDULA BHATKAR, J.
DATED: NOVEMBER 10, 2017**

P.C. :

1. This application is moved for withdrawal of the amount, which is deposited by the insurance company, pursuant to the judgment and award dated 11.01.2013 passed by the Motor Accident Claims Tribunal, Mangaon-Raigad, awarding compensation of Rs. 6,58,000/- alongwith interest @ 7.5% p.a.

2. The learned counsel for the applicant has submitted that the original claimants are the parents of the deceased. He has further submitted that the father of the deceased is dead and, therefore, the applicant i.e. the mother of the deceased is a sole claimant. Till today, the applicant has not received any amount, except the amount under No Fault Liability. He has further submitted that the applicant is in need of money and, therefore, she be allowed to withdraw the entire amount deposited by the insurance company.
3. Learned counsel for the insurance company while opposing the application, submitted that the insurance company has a good case on merits.
4. In view of the above submissions, the applicant is allowed to withdraw 50% of the amount of compensation alongwith interest accrued thereon on an usual undertaking.
5. Civil Application stands disposed of accordingly.

(MRIDULA BHATKAR, J.)