

Vidya Amin

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 1445 OF 2017
IN
FIRST APPEAL (ST.) NO. 25323 OF 2014

Satish Gajanan Raje & Anr.	... Applicants
in the matter between	
The New India Insurance Company Ltd.	... Appellant
Vs.	
Satish Gajanan Raje & Ors.	... Respondents

Mr. T.J. Mendon, Advocate for the applicants.
Mr. Devendra Joshi, Advocate for the appellant.

CORAM: **MRS.MRIDULA BHATKAR, J.**
DATE: **13th September, 2017.**

P.C.:

Upon urgent mentioning, taken on production board.

2. This Application is moved for withdrawal of an amount deposited by the insurance company/original appellant pursuant to the judgment and award dated 31st January, 2014 passed by the learned Motor Accident Claims Tribunal, Mumbai in M.A.C.P. No. 3026 of 2003.

3. The learned counsel for the applicants submitted that the applicants are the parents of the deceased. Therefore, they be

allowed to withdraw the entire amount deposited by the insurance company.

4. The learned counsel for the appellant/insurance company submitted that the insurance company has good case against the order of award on various counts. He submitted that the entire decretal amount along with interest is deposited.

5. Considering the judgment and award and the submissions, the original claimants, i.e., parents of the deceased are allowed to withdraw an amount of Rs.5,00,000/- each on an usual undertaking. The remaining amount is to be deposited in the fixed deposit in any nationalized bank.

6. Civil Application is allowed and is accordingly disposed of.

(MRIDULA BHATKAR, J.)