

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.2723 OF 2017
IN
FIRST APPEAL st. NO.24376 OF 2016

Bhagyashri Bhaskar Deshmukh & Ors. ... Applicants

IN THE MATTER OF:

The New India Assurance Co. Ltd. ... Appellant

Vs.

Bhagyashri Bhaskar Deshmukh & Ors. ... Respondents

Mr.N.P. Hinduja I/b A.B. Tajane for Applicants

Mr.Sudhakar Pandaram i/b Milind V. More for the Appellant

CORAM: MRS.MRIDULA BHATKAR, J.

DATE: SEPTEMBER 7, 2017

P.C.:

1. Upon urgent mentioning, taken on Production Board.
2. This is an application preferred by the Applicants/original claimants for withdrawal of the amount of compensation awarded by the learned Member, Motor Accident Claims Tribunal, Solapur vide order dated 12.4.2017. Accordingly, an amount of the Rs.17,05,725/- is deposited by the Insurance Company towards the entire decretal amount alongwith interested accrued thereon.

3. The learned Counsel for the applicants submits that the applicants are in need of money as applicant Nos.2 and 3 are taking education. Further, applicants Nos.4 and 5 are old aged persons and they require money for their day to day needs.

4. Learned Counsel for the Insurance Company is present.

5. As per the award of the Tribunal, an amount of Rs.2 lakhs each is invested in the names of applicants Nos.1, 4 and 5 and an amount of Rs.3 lakhs each is invested in the names of Applicant Nos.2 and 3. Thus, a total amount of Rs.12 lakhs is invested as on today. For the reasons stated in the Civil Application, the applicants are allowed to withdraw Rs.1 lakh each. The applicant Nos.2 and 3 who are minors, are allowed to withdraw the amount through their mother i.e., applicant No.1. The withdrawals be allowed upon furnishing usual undertaking before the Registrar, Motor Accident Claims Tribunal, Solapur.

6. Civil Application is disposed of accordingly.

(MRIDULA BHATKAR, J.)