

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION

**CIVIL APPLICATION NO.2721 OF 2017**  
**IN**  
**FIRST APPEAL st. NO.24384 OF 2016**

Smt.Poonam Manoj Chougule & Ors. ... Applicants

**IN THE MATTER OF:**

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

Vs.

Smt.Poonam Manoj Chougule & 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 of Rs.38,16,700 with interest @ 7.5% p.a. awarded by the learned Member, Motor Accident Claims Tribunal, Solapur, vide order dated 1.4.2016 in MACP No.247 of 2011.

**3.** The learned Counsel for the applicants submits that the applicants are in need of money as applicant No.2 is taking education and applicant Nos.3 and 4 are old aged persons and they require money for their medical expenses as also for their day to day needs. The learned Counsel submits that besides NFL amount, no other amount is received by the applicants/claimants.

**4.** Learned Counsel for the Insurance Company is present. He submits that the entire decretal amount alongwith interest accrued thereon is deposited by the Insurance Company in the Motor Accident Claims Tribunal, Solapur.

**5.** For the reasons stated in the application, the Civil Application requires to be allowed. At the time of passing of the award, the learned Member, had directed to deposit Rs.3 lakhs each in the name of applicant Nos.1 i.e., wife of the deceased, and applicant Nos.4 and 5, the parents of the deceased, and an amount of Rs.5 lakhs in the name of applicant No.2, the minor child, till he attains majority. Thus, an amount of Rs.14 lakhs is invested as on today. So, out of the remaining principal amount of Rs.24 lakhs, an amount of Rs.12 lakhs is allowed to be withdrawn by the applicants in equal shares. The applicant No.2, who is a minor, is allowed to withdraw

his share through his 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.)**