

Vidya Amin

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 2736 OF 2017
IN
FIRST APPEAL (ST.) No. 12499 OF 2017

Smt. Yogita Gorakh Bhujade & Ors. ... Applicants
Vs.
The Oriental Insurance Co. Ltd.
through Divisional Officer ... Respondent

Mr. Ajinkya J. Jaibhave, Advocate for the applicants.

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

P.C.:

Upon mentioning, taken on production board.

2. The learned counsel for the applicants submitted that he has served on the respondent and shows service. The service is taken on record and marked as Exhibit 1.

3. None present for the respondent/insurance company.

4. The learned counsel submitted that the applicants have moved this Application for withdrawal of the amount which was granted by the judgment and award dated 28th July, 2016 passed by the learned Member, Motor Accident Claims Tribunal, Nashik in M.A.C.P. No. 470

of 2012. The learned counsel submitted that it is a death claim and the applicants/original claimants are the wife, minor children and parents of the deceased. He submitted that the accident took place on 20th April, 2012 and since then, they have not received any amount.

5. By way of award, the compensation of Rs.29,37,000/- is granted with interest @ 8% p.a. The applicant no. 1/wife and applicant nos. 4 and 5/parents of the deceased are allowed to withdraw 50% of the amount of which they are entitled to as per the apportionment mentioned in clauses 3 and 5 of the operative portion of the judgment and award dated 28th July, 2017 on an usual undertaking. As directed by the learned Member of the Tribunal, Rs.5,00,000/- each which is given to applicant nos. 2 and 3/minor children of the deceased is to be kept in fixed deposit of the nationalized bank till they become major.

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

(MRIDULA BHATKAR, J.)