

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.2339 OF 2017
IN
FIRST APPEAL st. NO.7501 OF 2016

Smt.Ratan Bhikaji @ Bhika Sawant & anr. ... Applicants

IN THE MATTER OF:

National Insurance Co. Ltd. ... Appellant

Vs.

Smt.Ratan Bhikaji @ Bhika Sawant & Ors. ... Respondents

Mr.P.A. Narayanan for Appellant – Insurance company
Mr.R.S. Pradiprao for Applicant Nos.1 to 4 / original claimants
Mr.S.S. Kadtane i/b K.U. Nikam for Resp. Nos.5 & 6
Mr.Sanjay Krishnan i/b Leges Consultus for Resp. No.7

CORAM: MRS.MRIDULA BHATKAR, J.

DATE: NOVEMBER 8, 2017

P.C.:

1. This application is moved by the original claimants who are the wife and daughters of the deceased. The compensation was not granted to applicant Nos.2 and 3 as they were married at the relevant time and the compensation of Rs.11,81,000/- alongwith interest @ 12% p.a. was granted to applicant No.1 widow and the unmarried daughter i.e., the original respondent No.4.

2. Learned Counsel for the applicants submit that till today, no amount is received by them. He submitted that the applicants are in need of money.
3. Learned Counsel for the insurance company submits that it is a case of contributory negligence and the insurance company has good case on merits.
4. In view of the submissions of the parties, the applicants are allowed to withdraw 50% of the amount of compensation alongwith interest accrued thereon, subject to usual undertaking to be furnished before the Registrar, Motor Accident Claims Tribunal, Pandharpur. The remaining amount shall be invested in a fixed deposit of a nationalised bank.
5. Civil Application stands disposed of accordingly.

(MRIDULA BHATKAR, J.)