

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION

**CIVIL APPLICATION NO.3436 OF 2017**  
**IN**  
**FIRST APPEAL NO.1224 OF 2014**

Mrs.Jyoti Pramod Kabadli & Ors. ... Applicants

**IN THE MATTER OF:**

The Oriental Insurance Co. Ltd. ... Applicant

Vs.

Mrs.Jyoti Pramod Kabadli & Ors. ... Respondents

Mr.C.M. Lokeshappa i/b G.S. Hegde for the Applicant  
Mr.D.S. Joshi for Appellant in FA.

**CORAM: MRS.MRIDULA BHATKAR, J.**

**DATE: NOVEMBER 1, 2017**

**P.C.:**

1. Upon urgent mentioning, taken on Production Board.
2. This application is moved for withdrawal of the amount of compensation which was awarded vide order dated 1.2.2014 passed by Motor Accident Claims Tribunal, Mumbai, in MACP No.192 of 2012. The original claimants are widow and two children and the father, who is 77 years old. The accident had taken place on 31.12.2011. The Tribunal has awarded the compensation of Rs.46,98,315/- with interest @ 9% p.a. The Tribunal has apportioned the amount of compensation between all the claimants.

3. The learned Counsel for the claimants has submitted that the claimants are a widow and two children and the applicant No.4 is very old and they need money.
4. The learned Counsel for the insurance company submits that the driver of the vehicle was not holding a licence at the time of the accident and the insurance company has a good case on merits.
5. Heard. In view of the above, all the claimants are allowed to withdrawn 30% of the amount of compensation, as per their entitlement alongwith the interest accrued thereon, subject to furnishing an undertaking to the satisfaction of the Registrar, Motor Accident Claims Tribunal, Mumbai.
6. Civil Application is disposed of accordingly.

**(MRIDULA BHATKAR, J.)**