

Vidya Amin

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 3032 OF 2017
IN
FIRST APPEAL (ST.) NO. 28814 OF 2014

Akhtari Begam Akil Ahmed Qureshi & Ors.	... Applicants
in the matter between	
Oriental Insurance Company Ltd.	... Appellant
Vs.	
Akhtari Begam Akil Ahmed Qureshi & Ors.	... Respondents

Mr. Bhushan Walimbe i/b. Ms. Preeti Walimbe, Advocate for the applicants.

Mr. D.S. Joshi, Advocate for the original appellant in First Appeal.

CORAM: **MRS.MRIDULA BHATKAR, J.**
DATE: **27th September, 2017.**

P.C.:

Upon mentioning, taken on production board.

2. This is the second Application for withdrawal of an amount deposited by the insurance company/original appellant pursuant to the judgment and award dated 17th August, 2013 passed by the learned Member, Motor Accident Claims Tribunal, Mumbai in M.A.C.P. No. 6 of 2010. The learned Member has granted compensation of Rs.5,48,000/- together with simple interest @7.5% p.a.

3. The learned counsel for the applicants submitted that the applicant no. 1 is the mother and applicant nos. 2 and 3 are the brothers of the deceased. As per the order of the learned Member of the Tribunal, Rs.4,48,000/- to be paid to the mother and Rs.50,000/- each to be paid to the brothers of the deceased. The learned counsel submitted that by the order dated 16th April, 2015, this Court has allowed applicant no. 1/mother of the deceased to withdraw Rs.1,00,000/- and applicant nos. 2 and 3/brothers of the deceased to withdraw Rs.20,000/- each. The learned counsel submitted that the building of the applicants is going for redevelopment and therefore, applicant no. 1 needs money.

4. While opposing this Application, the learned counsel for the appellant/insurance company submitted that applicant nos. 2 and 3 are brothers of the deceased and they are major, so they must be earning.

5. Considering the judgment and award and the submissions, the applicant no. 1/mother of the deceased are allowed to withdraw Rs.2,00,000/- and applicant nos. 2 and 3/brother of the deceased are allowed to withdraw Rs.20,000/- each on an usual undertaking. The

remaining amount is to be deposited in the fixed deposit in any nationalized bank.

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

(MRIDULA BHATKAR, J.)