

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**FIRST APPEAL NO. 1359 OF 2016
WITH
CIVIL APPLICATION NO. 1284 OF 2017
IN
FIRST APPEAL NO. 1359 OF 2016**

Smt.Iyatun Shahbuddin Khan & Ors. ...Applicants

IN THE MATTER BETWEEN

The New India Insurance Co. Ltd. ...Appellant

Versus

Smt.Iyatun Shahbuddin Khan & Ors. ...Respondents

.....
Mr.Tushar Khairnar i/b. Mr.Vaibhav R.Gaikwad for the Applicants.
.....

**CORAM: MRS.MRIDULA BHATKAR, J.
DATED: NOVEMBER 07, 2017**

P.C. :

1. Upon urgent mentioning, taken on Production Board.
2. This Civil Application is moved for withdrawal of the amount of compensation which was awarded vide order dated 07.10.2015 passed by Motor Accident Claims Tribunal, Satara, in MACP No. 46 of 2014. It is a death claim. The applicants are widow and six children of the deceased. The Tribunal has awarded the compensation of Rs. 19,48,040/- alongwith interest @9% p.a. The

Tribunal has apportioned the amount of compensation between all the claimants.

3. Learned counsel for the applicants submits that original claimant nos. 6 and 7 are married daughters of the deceased so the claim is restricted at present only for the original claimant nos. 1 to 5. He further submits that applicant no.1 is a widow and applicant nos. 2 to 5 are daughters of the deceased.

4. Learned counsel for the insurance company opposes this application and submits that the Appeal is filed on the point of quantum and negligence.

5. In view of the above submissions, applicant nos. 1 to 5 are allowed to withdraw 40% of the amount of compensation, as per their entitlement alongwith the interest accrued thereon on an usual undertaking. The remaining amount shall be deposited in a fixed deposit with any nationalized Bank.

6. Civil Application is disposed of accordingly.

(MRIDULA BHATKAR, J.)