

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

**CIVIL APPLICATION NO. 3076 OF 2017
IN
FIRST APPEAL (ST.) NO. 5128 OF 2017**

Smt.Mukta Ravindra Jadhav & Ors. ...Applicants

IN THE MATTER BETWEEN

IFFCO-TOKIO General Insurance
Company Ltd. ...Appellant

Versus

Smt. Mukta Ravindra Jadhav & Ors. ...Respondents

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Mr.Pritesh K.Bohade for the Applicants.
Ms. Shalini Shankar for the original Appellant in FA.

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**CORAM: MRS.MRIDULA BHATKAR, J.
DATE : DECEMBER 06, 2017**

P.C.:

1. Upon urgent mentioning, taken on Production Board.;
2. This Application is moved for withdrawal of an amount deposited by the original appellant pursuant to the judgment and award dated 20th May, 2016 passed by the learned Member, Motor Accident Claims Tribunal, Niphad in M.A.C.P.No. 82 of 2010. The learned Member of the tribunal has granted compensation of Rs. 8,65,000/- alongwith interest @ 7% p.a.

3. The learned counsel for the applicants submitted that the applicants are widow, three minor children and mother of the deceased. He further submitted that they require money for education and survival.

4. The learned counsel for the original appellant/insurance company submitted that the deceased was a rickshaw driver and also he was the owner of the vehicle. The said vehicle was not registered with RTO. Hence, the deceased has not covered third party insurance.

5. Considering the judgment and award and the submission of the learned counsel, the applicants are allowed to withdraw 50% of the amount deposited by the appellant/insurance company as per their entitlement 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.)