

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

**FIRST APPEAL (ST.) NO. 15601 OF 2015
WITH
CIVIL APPLICATION NO. 2992 OF 2017
IN
FIRST APPEAL (ST.) NO. 15601 OF 2015**

Smt. Laxmibai Namdev Chavan & Anr. ...Applicants

IN THE MATTER BETWEEN

The New India Assurance Co. Ltd. ...Appellant

Versus

Smt. Laxmibai Namdev Chavan & Anr. ...Respondents

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Mr.T.J.Mendon for the Applicants.

Mr.D.R.Mahadik for the Original Appellant.

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**CORAM: MRS.MRIDULA BHATKAR, J.
DATED: SEPTEMBER 26, 2017**

P.C. :

1. Upon urgent mentioning, taken on Production Board.
2. This Application is moved for withdrawal of an amount deposited by the insurance company/original appellant pursuant to the judgment and award dated 26.09.2013 passed by the learned Member, Motor Accident Claims Tribunal, Mumbai, in M.A.C.P. No. 1922 of 2007.

3. The learned counsel for the applicants has submitted that the applicants are the wife and married daughter of the deceased and the applicants be allowed to withdraw the entire amount deposited by the insurance company.
4. The learned counsel for the appellant/insurance company while opposing this application, has submitted that the insurance company has a good ground in the appeal. He has further submitted that the driver of offending vehicle was holding fake driving licence and also the amount granted for future prospectus is excessive.
5. In view of the submissions and the reasons mentioned in the application, the applicants are allowed to withdraw 50% of the amount deposited by the insurance company on an usual undertaking and thereafter, the said amount is to be equally distributed between the applicants. 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.)