

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.3065 OF 2017
IN
FIRST APPEAL NO.1703 OF 2016

Shri Madhukar Sahebrao Kangade & Ors. ... Applicants

Vs.

Shri Tukaram Narayan Khedekar & anr. ... Respondents

Mr.Sangramsinh Yadav for the Applicants
Mrs.Varsha Chavan for org. appellant in FA

CORAM: MRS.MRIDULA BHATKAR, J.

DATE: 28th SEPTEMBER, 2017

P.C.:

1. Upon urgent mentioning, taken on Production Board.
2. This is an application moved by the original claimants for withdrawal of the amount deposited by the Insurance company in the Motor Accident Claims Tribunal, Satara. The learned Member, Motor Accident Claims Tribunal, Satara by judgment and order dated 7.3.2016 passed in MACP No.65 of 2011 granted a compensation of 9,93,000 with interest. Accordingly, the insurance company has deposited an amount of Rs.14,52,403 on 2.1.2017.

3. The learned Counsel for the applicants submits that the applicants are the parents and sister of the deceased.
4. Learned Counsel for the insurance company is present and opposed the application and submitted that the insurance company has a good case on the ground of quantum and negligence.
5. As per the impugned judgment and award of the Motor Accident Claims Tribunal, Rs.1 lakh was given to the applicant No.3 sister and the balance amount of Rs.8,93,000/- was to be equally distributed between applicant Nos.1 and 2. It was also further directed that an amount of Rs.350,000/- to be deposited in the name of petitioner Nos.1 and 2 for 5 years.
6. For the reasons stated in the Civil Application, the Civil Application is allowed. Applicant No.3 sister is allowed to withdraw Rs.50,000/- and applicant Nos.1 and 2 i.e., the parents, are allowed to withdraw Rs.2,20,000/- each with interest.
7. Civil Application stands disposed of accordingly.

(MRIDULA BHATKAR, J.)