

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.3068 OF 2017
IN
FIRST APPEAL NO.233 OF 2017

Ganpat Dinkar Jagtap & Ors. ... Applicants

IN THE MATTER OF:

IFFCO TOKIO General Insurance Co. Ltd. ... Appellant
Vs.
Ganpat Dinkar Jagtap & Ors. ... 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 application 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 5.3.2016 passed in MACP No.47 of 2011 granted a compensation of Rs.35,65,000/- with interest @ 9% p.a.

3. Learned Counsel for the insurance company has opposed the application on the ground that the insurance company has a good case mainly on the grounds of quantum and negligence.
4. Heard. As per the impugned order of the Tribunal, Rs.16 lakhs each was to be paid to the father and mother and the remaining amount of Rs.3,65,000/- was to be paid to the brother. It was further ordered that out of Rs.16 lakhs, Rs.12 lakhs was to be deposited in the name of petitioner Nos.1 and 2 in a nationalised bank for 5 years and Rs.1,50,000/- in the name of petitioner No.3.
5. In view of the submissions and for the reasons stated in the application, a sum of Rs.4 lakhs each is allowed to be withdrawn by original claimants / petitioner Nos.1 and 2 and an amount of Rs.2 lakhs is allowed to be withdrawn by the brother. The balance amount shall be invested as per the order of the Motor Accident Claims Tribunal.
6. Civil Application is disposed of accordingly.

(MRIDULA BHATKAR, J.)