Vidya Amin

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION No. 2943 OF 2017
IN
FIRST APPEAL (St.) No. 30543 OF 2016

Smt. Vaishali Dnyandeo Javale & Ors. ... Applicants
Vs.
The Manager, National Insurance Co. Ltd.
through its Mumbai Regional office-II ... Respondent

Mr. S.R. Moray i/b. Mr. V.S. Talkute, Advocate for the applicants.
Mr. Sanjay Krishnan i/b. Harshada M. Rane, Advocate for the respondent.

CORAM: **MRS.MRIDULA BHATKAR, J.**
DATE: **26th September, 2017.**

P.C.:

This Application is moved for withdrawal of the amount deposited by the insurance company.

2. The learned counsel for the applicants/original claimants submitted that the applicants be allowed to withdraw the amount deposited by the insurance company towards satisfaction of the judgment and award dated 20th June, 2016 passed by the learned Member, Motor Accident Claims Tribunal, Satara in M.A.C.P. No. 102 of 2010. He pointed out that by the said judgment and award, the learned Member of the Tribunal has granted compensation of Rs.9,38,700/- together with interest @9% p.a. from the date of filing

of the Petition. The applicants/original claimants are wife and two minor children.

3. The learned counsel for the insurance company while opposing this Application has submitted that the insurance company has good grounds, i.e., breach of policy and quantum, to succeed in Appeal.

4. Heard the submissions. In the operative portion of the judgment and award passed by the Tribunal, the learned Member has granted amount of compensation to be divided into 3 parts equally. Therefore, the applicant/wife is allowed to withdraw Rs.3 lakhs and interest accrued thereon as on today and the two children are allowed to withdraw Rs.2 lakhs each. The applicant No. 1 is authorized to withdraw the money on behalf of two minor children. The remaining amount is to be deposited in the fixed deposit in any nationalized bank in the name of the children.

5. Civil Application is allowed and is disposed of accordingly.

(MRIDULA BHATKAR, J.)