

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION

**CIVIL APPLICATION NO.3701 OF 2017**  
**IN**  
**FIRST APPEAL ST. NO.22485 OF 2015**

Kum.Vivek @ Vyankatesh Sanjay Vatharkar ... Applicant

**IN THE MATTER OF:**

ICICI Lombard General Insurance Co. Ltd. ... Appellant

Vs.

Kum.Vivek @ Vyankatesh Sanjay Vatharkar & ors. ... Respondents

Mr.J.J. Bardeskar for the Applicant

Mr.Rajesh Kanojia with Ms.Manisha Madke i/b Res Juris for original  
Appellant in FA

**CORAM: MRS.MRIDULA BHATKAR, J.**

**DATE: DECEMBER 19, 2017**

**P.C.:**

1. Upon urgent mentioning, taken on Production Board.
2. This application is moved for withdrawal of the amount deposited by way of compensation by the insurance company pursuant to the judgement and award dated 4.3.2015 passed by the learned Member, Motor Accident Claims Tribunal, Kolhapur in MACP No.385 of 2013. The Tribunal granted compensation amoutn of Rs.53,06,948/- with interst thereon @ 7% p.a.

3. The learned Counsel for the applicant submits that the applicant has withdrawn an amount of Rs.5 lakhs pursuant to order dated 14.12.2015. He prays that the applicant/claimant is the son of the deceased, who was working as a nurse. He needs money for education and survival.

4. The learned Counsel for the insurance company, while opposing the application, submitted that the appellant has a good case on merits and the fact that Rs.5 lakhs is already allowed to be withdrawn is also to be taken into account.

5. In view of the submissions and upon perusal of the order, it appears that 60% of the amount of total award is directed to be kept in the Fixed Deposit for a period of 5 years from the date of the award, so that it will mature in 2020. Accordingly, the applicant is allowed to withdraw Rs.10 lakhs (Rupees Ten Lakhs only) with interest accrued thereon, subject to furnishing the usual undertaking to the satisfaction of the Registrar, Motor Accident Claims Tribunal, Kolhapur.

6. Civil Application is disposed of accordingly.

**(MRIDULA BHATKAR, J.)**