

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

**CIVIL APPLICATION NO. 3069 OF 2017
IN
FIRST APPEAL (ST.) NO.18483 OF 2014**

Mrs.Jayashri Shahu Kamble ...Applicant

IN THE MATTER OF

New India Assurance Co. Ltd. ...Appellant

Versus

Mrs. Jayashri Shahu Kamble & Anr. ...Respondents

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Mr.T.J.Mendon for the Applicant.

Ms. Poonam Mital for the Original Appellant in FA.

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CORAM: MRS.MRIDULA BHATKAR, J.

DATED: SEPTEMBER 29, 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 17.09.2014 passed by the Motor Accident Claims Tribunal, Mumbai, in M.A.C.P. No. 1059 of 2007.

3. The learned counsel for the applicant submitted that the applicant is the mother of the deceased. He submitted that the applicant be allowed to withdraw the entire amount deposited by the insurance company.

4. In view of the submissions and the reasons mentioned in the application, the applicant is allowed to withdraw 50% of the amount of compensation deposited by the insurance company on an usual undertaking. The remaining amount is to be deposited in the fixed deposit in any nationalized bank.

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

6. This First Appeal to be tagged with First Appeal (St.) No. 18469 of 2014 on 24.11.2017.

(MRIDULA BHATKAR, J.)