

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

**CIVIL APPLICATION NO. 3415 OF 2017
IN
FIRST APPEAL NO. 928 OF 2017**

Smt. Susheela Chandrashekhar Yadav & Ors. ...Applicants

IN THE MATTER BETWEEN

New India Assurance Co. Ltd. ...Appellant

Versus

Smt.Susheela Chandrashekhar Yadav & Ors. ...Respondents

.....

Mr.T.J.Mendon for the Applicants.

Mr.H.G.Misar for the Original Appellant in FA.

.....

CORAM: MRS.MRIDULA BHATKAR, J.

DATED: NOVEMBER 07, 2017

P.C. :

1. Upon urgent mentioning, taken on Production Board.
2. This Civil Application is moved for withdrawal of the amount of compensation which was awarded vide order dated 14.07.2015 passed by Motor Accident Claims Tribunal, Mumbai, in MACP No. 370 of 2009. It is a death claim. The applicants are widow, three children and father of the deceased. The Tribunal has awarded the compensation of Rs. 8,25,000/- alongwith interest @ 7.5% p.a.

The Tribunal has apportioned the amount of compensation between all the claimants.

3. Learned counsel for the applicants submits that the applicants/claimants are a widow, three children and father of the deceased and they need money.

4. Learned counsel for the insurance company submits that the driver of the vehicle was not holding a valid licence.

5. In view of the above submissions, the applicants are allowed to withdraw 50% of the amount of compensation, as per their entitlement alongwith the interest accrued thereon on an usual undertaking. The remaining amount shall be deposited in a fixed deposit with any nationalized Bank.

6. Civil Application is disposed of accordingly.

(MRIDULA BHATKAR, J.)