

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

**CIVIL APPLICATION NO.4620 OF 2016
IN
FIRST APPEAL NO.423 OF 2013**

Smt.Purna Rajendra Kumbhar (Patil) & Ors. ... Applicants

IN THE MATTER BETWEEN:

Smt.Bharati Bhimrao More ... Appellant

Vs.

The New India Assurance Co. Ltd. & anr. ... Respondents

Mr.P.D. Pise for the Applicants

Mr.D.R. Mahadik for Insurance Co.

**CORAM: Mrs.MRIDULA BHATKAR, J.
DATED: SEPTEMBER 20, 2017**

P.C. :

1. This is an application for withdrawal of the amount of compensation deposited by the insurance company. By judgment and order dated 20.12.2012 passed by the learned Member, Motor Accident Claims Tribunal, Raigad-Alibag in MACP No.263 of 2006, a compensation amount of Rs.8,10,120/- alongwith interest @ 7.5% p.a. was granted. The order of pay and recover is passed against respondent No.2 – insurance company and respondent No.1 – the owner of the vehicle. The owner of the driver has committed breach of the policy and the driver was not having

licence and, therefore, the order of pay and recover is passed vide the impugned order.

2. The learned Counsel for the applicant/original claimants submits that applicant No.1 is a widow and applicant Nos.2 and 3 are daughter and son. He submits that till today, no amount is withdrawn by the applicants.

3. Learned Counsel for the respondent/insurance company is present.

4. In view of the submissions, applicant No.1 – widow is allowed to withdraw Rs.2 lakhs and her two children are allowed to withdraw Rs.2 lakhs each. The applicant No.1, the mother, is authorised to withdraw the amount on behalf of her minor children, if any. The withdrawals shall be subject to furnishing of usual undertaking before the Registrar of the concerned Motor Accident Claims Tribunal.

5. Civil Application is disposed of accordingly.

(MRIDULA BHATKAR, J.)