

Vidya Amin

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION No. 2228 OF 2015
IN
FIRST APPEAL NO. 992 OF 2015

Mrs. Maya Pandharinath Jadhav & Anr. ... Applicants
Vs.
The National Insurance Co. Ltd. ... Respondent

Ms. Vrushali Maindad i/b. Mr. Amod Kumar, Advocate for the applicants.
Mr. Amol Gatne, Advocate for the respondent.

CORAM: MRS.MRIDULA BHATKAR, J.
DATE: 7th December, 2017.

P.C.:

Upon mentioning, taken on production board.

2. This Application is moved by the applicants/original claimants for withdrawal of the amount of compensation, which is awarded on 15th January, 2014 passed by the learned Member, Motor Accident Claims Tribunal, Pune in M.A.C.P. No. 630 of 2009. As per the award, the compensation of Rs.18,96,300/- is granted along with interest @8% p.a. The learned Member of the Tribunal at the time of passing award, directed that an amount of Rs.5 lakhs be invested in the Fixed Deposit in the nationalized bank in the name of applicant no. 1/mother for a period of 3 years and Rs.1 lakh be invested in the name of applicant no. 2/father for a period of three years.

3. The learned counsel for the applicants submitted that the applicants are the parents of the deceased. She submitted that as on today, the period of three years are over. The learned counsel submitted that the applicants require money for the survival, therefore, they be allowed to withdraw the amount deposited by the insurance company.

4. The learned counsel for the appellant/insurance company submitted that the insurance company has good case on merits. He submitted that the entire decretal amount along with interest accrued thereon is deposited.

5. Considering the facts of the case and the submissions, the original claimants, i.e., parents of the deceased are allowed to withdraw 50% of the amount of the award as per their entitlement with interest accrued thereon on an usual undertaking. The remaining amount is to be deposited in the fixed deposit in any nationalized bank.

6. Civil Application is allowed and disposed of accordingly.

(MRIDULA BHATKAR, J.)