

Vidya Amin

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 4852 OF 2016
IN
FIRST APPEAL (St.) NO. 14455 OF 2015

Smt. Shashikala Arun Patil & Ors. ... Applicants
In the matter between
The General Manager,
The Reliance General Insurance Co. ... Appellant
Vs.
Smt. Shashikala Arun Patil & Ors. ... Respondents

Mr. S.G. Thorat, Advocate for the applicants.
Ms. Deepika Prabala i/b. Res Juris, Advocate for the original appellant.

CORAM: **MRS.MRIDULA BHATKAR, J.**
DATE: **27th September, 2017.**

P.C.:

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 14th November, 2014 passed by the learned Member, Motor Accident Claims Tribunal, Sangli in M.A.C.P. No. 226 of 2010. The learned Member has apportioned the compensation between petitioner nos. 1 to 4, i.e., widow, two children and mother of the deceased, as 40%, 20%, 20% and 20%

respectively.

3. The learned counsel for the applicants submitted that no amount is withdrawn. He submitted that the applicants are in need of money. There are two minor children and old mother and therefore. The applicants be allowed to withdraw the entire amount deposited by the insurance company.

4. The learned counsel for the appellant/insurance company submitted that the insurance company has a very good ground on quantum to succeed in the Appeal.

5. Considering the judgment and award and the submissions, the applicant no. 1/widow is allowed to withdraw Rs.10,00,000/- and applicant nos. 2, 3 and 4 are allowed to withdraw Rs.3,00,000/- each on an usual undertaking. Applicant no. 1 is allowed to withdraw the money on behalf of the minor children, if any, as on today. The remaining amount is to be deposited in the fixed deposit in any nationalized bank.

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

(MRIDULA BHATKAR, J.)