

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION

**CIVIL APPLICATION NO.3862 OF 2017**  
**IN**  
**FIRST APPEAL NO.748 OF 2017**

Smt.Prajakta Prakash Kulkarni

... Applicant

**IN THE MATTER OF:**

Bharti Axa General Insurance Co. Ltd.

... Appellant

Vs.

Smt.Prajakta Prakash Kulkarni & anr.

... Respondents

Mr.U.B. Nighot for Applicant

Mr.Rahul Mehta i/b KMC Legal Venture for the Appellant in FA

**CORAM: MRS.MRIDULA BHATKAR, J.**

**DATE: DECEMBER 5, 2017**

**P.C.:**

1. Upon urgent mentioning, taken on Production Board.
2. By judgment and order dated 29.4.2017 passed in MACP No.494 of 2014, the learned Member, Motor Accident Claims Tribunal, Pune, had granted a compensation of Rs.80,75,400/- alongwith interest @ 9% p.a., to the original claimant. Out of the total compensation of Rs.80,75,400/-, a sum of Rs.30 lakhs was directed to be invested in Fixed Deposit of a nationalised bank and the balance amount was directed to be paid to the claimant.

3. This application is filed for withdrawal of the said decretal amount. The learned Counsel for the applicant submits that the applicant needs money. It is an injury claim and therefore, she needs money for treatment and survival and also for the education of her son.

4. The learned Counsel for the insurance company while opposing the application, submitted that the insurance company has a good case on merits. It has challenged the impugned order on the point of breach of policy u/s 149 of the Motor Vehicles Act and also on the point of quantum.

5. Read the judgment and considering the disability sustained by the applicant, I allow the application and permit the applicant to withdraw Rs.30 lakhs alongwith the interest accrued thereon, upon furnishing a usual undertakings to the satisfaction of the Registrar, Motor Accident Claims Tribunal, Pune. The remaining amount shall be invested in a Fixed Deposit, of a nationalised bank.

6. Civil Application is disposed of accordingly.

**(MRIDULA BHATKAR, J.)**