

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

**CIVIL APPLICATION NO. 3763 OF 2017
IN
FIRST APPEAL NO. 1007 OF 2012**

Daljeet Narendra Singh & Ors. ...Applicants

IN THE MATTER OF

Bajaj Allianz General Insurance Co. Ltd. ...Appellant

Versus

Daljeet Narendra Singh & Ors. ...Respondents

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Mr.Valmik Borse i/b. Mr.A.M.Gokhale for the Applicants.

Ms. Uttara Thatte for the Original Appellant in FA.

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**CORAM: MRS.MRIDULA BHATKAR, J.
DATED: NOVEMBER 28, 2017**

P.C. :

1. Upon urgent mentioning, taken on Production Board.
2. This Application is moved by the applicants/original claimants for withdrawal of an amount of Rs. 6,34,000/- along with interest @7.5% p.a. deposited by the insurance company/original appellant pursuant to the judgment and award dated 25th July, 2011 passed by the learned Member, Motor Accident Claims Tribunal, Mumbai, in M.A.C.P. No.3368 of 2007.

3. The applicants are the widow, two minor children and one unmarried daughter of the deceased. The learned Member of the tribunal has granted compensation of Rs. 6,34,000/-. Out of which, Rs. 1 lakh each is to be invested in the names of applicant nos. 3 and 4 in any nationalized bank till each of them attain the age of majority. Thus, out of Rs. 4,34,000/-, Rs.1 lakh is to be paid to applicant no.2 i.e. unmarried daughter of the deceased and the remaining amount of Rs. 3,34,000/- is to be paid to applicant no. 1 i.e. widow of the deceased. By order dated 20.01.2016 passed by this Court, applicant nos. 1 to 3 were entitled to withdraw 10% each of the awarded amount.

4. Learned counsel for the applicants submits that the applicants need money to survive.

5. In view of the above facts and circumstances, applicant no. 1 is allowed to withdraw Rs. 2 lakhs and applicant no.2 is allowed to withdraw Rs. 1 lakh 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 is accordingly disposed of.

(MRIDULA BHATKAR, J.)