

Santosh

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO. 1819 OF 2017
IN
FIRST APPEAL (ST) NO. 5627 OF 2016

Shayati alias Shanti Ratanlal Bishnoi & Ors	...Applicants
<i>Versus</i>	
The New India Assurance Co Ltd	...Respondent

Ms Prabha B, i/b Rahul Singh, for Applicants Nos.1 to 5.
Mr Ravindra S Pachundikar, for Applicant No.7.
Mr Sudhakar Pandaram, i/b Mr Milind More, for the Respondent.

CORAM: G.S. PATEL, J
DATED: 4th July 2017

PC:-

1. The original Claimant No.1 was the widow of the deceased. Claimants Nos.2 and 3 were their sons and Claimants Nos.4 and 5 were the deceased's parents. The claim arises out of a fatal accident. The deceased's motorcycle was knocked down by a mobile crane that came unexpectedly from behind. The deceased died on the spot. The Tribunal made an award of Rs.41,41,132/-. The entire amount with interest has been deposited.

2. In Appeal, the Appellant-Insurance Company argues that the amount awarded is excessive.
3. Having regard to the nature of the accident and the fact that the deceased was the sole income earner of the family, I will permit a withdrawal of Rs.50,00,000/- without security and without furnishing undertaking. From this amount of Rs.50,00,000/-, 1/4th will be kept aside for Respondent No.2 and another 1/4th for Respondent N.3 and invested in a fixed deposit in their names. Copies of the fixed deposit receipts will be deposited with the MACT, Pune.
4. The MACT Pune will act on production of an authenticated copy of this order.
5. The Civil Application is disposed of in these terms. No costs.

(G. S. PATEL, J.)