

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION

**CIVIL APPLICATION NO.4285 OF 2017**  
**IN**  
**FIRST APPEAL NO.1174 OF 2014**

Shri Anil Mansing Mulik & anr. ... Applicants

**IN THE MATTER OF:**

Royal Sundaram General Insurance CO. Ltd. .. Appellant

Vs.

Shri Anil Mansing Mulik & ors. ... Respondents

Mr.Y.P. Narvankar for the Applicants

Mr.Nikhil Mehta i/b KMC Legal Ventgure for original Appellant in FA

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

**DATE: 27<sup>th</sup> SEPTEMBER, 2017**

**P.C.:**

1. This application is moved for withdrawal of the amount deposited by the appellant insurance company. The Motor Accident Claims Tribunal, Pune, vide its impugned judgement and award dated 15.4.2014 in MACP No.145 of 2010 has granted a compensation of Rs.6,09,000/-. The learned Counsel for the applicant submits that the applicant No.1 / original claimant No.1 is the husband and the applicant / claimant No.2 is the minor son. He

submits that except the amount of NFL, no amount is withdrawn by the claimants.

2. Mr.Mehta, appearing for the insurance company, while opposing this application submitted that the insurance company has good grounds in the appeal. He submits that the original claimant No.1 i.e., Respondent No.1 had produced a fake policy and there is a finding given by the Court in favour of the company and albeit such a finding, the insurance company is directed to pay money. He also submitted that there is also a point of quantum on the ground of multiplier.

3. The trial Court has apportioned the amount of compensation as Rs.2,09,000/- in favour of applicant No.1 / husband and Rs.4 lakhs in favour of the claimant – minor son. In view of the submissions of the learned Counsel and the circumstances, the applicant No.1 / husband is allowed to withdraw an amount of Rs.1,50,000/- (Rupees One Lakh Fifty Thousand only) and the applicant No.2 / minor son is allowed to withdraw, through applicant No.1 / husband, a sum of Rs.2 lakhs (Rupees Two Lakhs only). The withdrawals shall be subject to furnishing of usual undertaking to be given to the Registrar, Motor Accident Claims Tribunal, Pune. The remaining amount shall

be invested in a fixed deposit with a nationalised bank till the final disposal of the appeal.

4. Civil Application is disposed of accordingly.

**(MRIDULA BHATKAR, J.)**