

Vidya Amin

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 2789 OF 2017
IN
FIRST APPEAL (St.) NO. 19193 OF 2016

Smt. Anand Bhairusingh Devda & Ors. ... Applicants
in the matter between
The New India Insurance Company Ltd. ... Appellant
Vs.
Smt. Anand Bhairusingh Devda & Ors. ... Respondents

Ms. Rina Kundu, Advocate for the applicants.
Ms. Poonam Mital, Advocate for the appellant.

CORAM: **MRS. MRIDULA BHATKAR, J.**
DATE: **13th 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. The learned Additional Member, Motor Accident Claims Tribunal, Thane by the judgment and award dated 16th September, 2015 in M.A.C.P. No. 281 of 2009 has granted compensation of Rs.23,45,000/- with interest @ 7.5% p.a.

3. The learned counsel for the applicants submitted that the

applicants are the wife and two minor children and, therefore, they be allowed to withdraw the amount deposited by the insurance company.

4. The learned counsel for the appellant/insurance company submitted that the insurance company has deposited the entire decretal amount.

5. In view of the submissions, wife of the deceased is allowed to withdraw an amount of Rs.5,00,000/- and two minor children are allowed to withdraw Rs.2,50,000/- each on an usual undertaking. The applicant no. 1/wife of the deceased is authorized to withdraw the said amount for the minor children. 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.)