

Vidya Amin

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION No. 4063 OF 2017
IN
FIRST APPEAL No. 1092 OF 2015

Shivam Baburao Chorat & Anr. ... Applicants

Vs.

The Manager, Bajaj Alliance General
Insurance Co. Ltd. & Ors. ... Respondents

Ms. Kokila Kalra, Advocate for the applicants.

Ms. Yogita Deshmukh, Advocate for the original appellant.

Mr. Tushar Khairnar i/b. Mr. Vaibhav R. Gaikwad, Advocate for
respondent No. 4.

CORAM: MRS.MRIDULA BHATKAR, J.

DATE: 20th December, 2017.

P.C.:

The Claim Petition was filed by the widow and two minor sons of the deceased. This Application is moved by the applicants, who are original respondent nos. 3 and 4 for withdrawal of an amount of compensation which was awarded by the judgment and award dated 30th October, 2014 passed by the learned Chairman, Motor Accident Claims Tribunal, Satara in M.A.C.P. No. 184 of 2012.

2. The learned counsel for the applicants submitted that the applicants are the parents of the deceased. Therefore, they be allowed to withdraw the amount of compensation.

3. The learned counsel for the insurance company submitted that the insurance company has deposited the entire decretal amount along with interest accrued thereon.

4. Perused the impugned judgment and award. In the judgment, the learned Chairman, Motor Accident Claims Tribunal, Satara has granted compensation of Rs.23,80,000/- along with interest @9% p.a. from the date of filing of the Petition. It was further ordered that an amount of Rs. 2,00,000/- each to be deposited in the names of original claimant nos. 1 and 2 and amount of Rs.1,00,000/- each to be deposited in the name of respondent nos. 3 and 4, i.e., present applicants and further the amount of Rs.3,00,000/- is to be deposited in the name of petitioner no. 3 in any nationalized bank. It was specifically mentioned that an amount of Rs.1,00,000/- each be paid to original claimant no. 2 and respondent nos. 3 and 4/present applicants.

5. When the matter was called out, the learned counsel Mr. Athalye for the original claimants is not present. Earlier the matter was adjourned to enable the learned counsel to remain present. In view of this, pursuant to the order dated 14th December, 2017 passed

by this Court, the applicant, i.e., parents of the deceased are allowed to withdraw amount of Rs.1,00,000/- each along with interest accrued thereon on an usual undertaking.

6. Civil Application is allowed and is accordingly disposed of.

(MRIDULA BHATKAR, J.)