

Vidya Amin

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION No. 3678 OF 2017
IN
FIRST APPEAL No. 1286 OF 2016

Smt. Ranjana Subhash Shinde & Anr.	... Applicants
In the matter between	
The Oriental Insurance Co. Ltd.	... Appellant
Vs.	
Smt. Ranjana Subhash Shinde & Ors.	... Respondent

Mr. T.J. Mendon, Advocate for the applicants.
Mr. S.S. Jinsiwale, Advocate for the original appellant.

CORAM: **MRS.MRIDULA BHATKAR, J.**
DATE: **22nd November, 2017.**

P.C.:

Upon mentioning, taken on production board.

2. This Application is moved by the applicants/original claimants for withdrawal of the amount of compensation of Rs.12,28,000/- along with interest @7.5 p.a. deposited by the insurance company/original appellant pursuant to the judgment and award dated 3rd November, 2015 passed by the learned Member, Motor Accident Claims Tribunal, Mumbai in M.A.C.P. No. 3227 of 2009.

3. The learned counsel for the applicants submitted that the applicants are the parents of the deceased and they need money for their survival. The applicants till today have received Rs.50,000/-

towards No Fault Liability and accident has taken place on 15th October, 2009. Therefore, they be allowed to withdraw the amount of the compensation.

4. The learned counsel for the applicant/insurance company submitted that the insurance company has good case on merits.

5. In the judgment, the learned Member, Motor Accident Claims Tribunal while granting compensation of Rs.12,28,000/- with interest @7.5% p.a. has apportioned the amount of compensation between applicant no. 1/mother and applicant no. 2/father of the deceased and an amount of Rs.75,000/- is directed to be paid to the applicant no. 2/father and remaining entire amount to be paid to the applicant no. 1/mother along with interest accrued thereon.

6. In view of this, I allow applicant nos. 1 and 2 to withdraw 50% of the amount along with interest accrued thereon as per their entitlement as mentioned in the judgment on an usual undertaking. The remaining amount is to be deposited in the fixed deposit in any nationalized bank.

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

(MRIDULA BHATKAR, J.)