

Vidya Amin

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION No. 4042 OF 2017
IN
FIRST APPEAL (St.) No. 20858 OF 2017

Soumen Raman Tarafdar & Anr. ... Applicants
Vs.
The New India Assurance Co. Ltd. ... Respondent

Mr. Deepak S. Kilaje, Advocate for applicants.
Ms. Poonam Mital Advocate for the respondent/original appellant.

CORAM: MRS.MRIDULA BHATKAR, J.
DATE: 12th December, 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 which was granted by the learned Chairman, Motor Accident Claims Tribunal, Thane in M.A.C.P. No. 778 of 2011 by judgment and award dated 30th December, 2016. By the said judgment and award, an amount of compensation of Rs.21,81,608/- along with interest @9% p.a. was directed to be deposited by opponent nos. 1 and 2.

3. The learned counsel for the respondent/insurance company submitted that the insurance company has deposited the entire

decretal amount along with interest accrued thereon.

4. The learned counsel for the applicants submitted that the applicants are the parents of the deceased. Therefore, they be allowed to withdraw the amount deposited by the insurance company.

5. As per the order of the learned Chairman, Motor Accident Claims Tribunal, out of decretal amount, an amount of Rs.5,00,000/- each is to be kept in the fixed deposit in the name of applicant nos. 1 and 2, for a period of five years in any nationalized bank. Considering the facts of the case and the submissions, the original claimants, i.e., parents of the deceased are allowed to withdraw 50% of the amount of compensation along with interest accrued thereon as per their entitlement, on an usual undertaking. 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.)