

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**CIVIL APPLICATION NO. 3278 OF 2017
IN
FIRST APPEAL (ST.) NO. 29322 OF 2017**

Reliance General Insurance Co. Ltd. ...Applicant

Versus

Smt.Guddidevi Ramvijay Kushwalla & Ors. ...Respondents

**WITH
CIVIL APPLICATION NO. 3767 OF 2017
IN
FIRST APPEAL (ST.) NO. 29322 OF 2017**

Smt.Guddidevi Ramvijay Kushwalla & Ors. ...Applicants

IN THE MATTER OF

Reliance General Insurance Co. Ltd. ...Appellant

Versus

Smt.Guddidevi Ramvijay Kushwalla & Ors. ...Respondents

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Ms. Deepika Prabhala a/w. Ms.Arпита Shrivastava i/b. Res Juris for
the Applicant in CAF No. 3278 of 2017.

Mr.T.J.Mendon for the Applicants in CAF No. 3767 of 2017 and for
Respondent Nos. 1 to 3 in CAF No. 3278 of 2017.

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CORAM: MRS.MRIDULA BHATKAR, J.
DATED: NOVEMBER 28, 2017

P.C. :

1. Upon urgent mentioning, taken on Production Board.

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2. By this Civil Application, the applicant/insurance company seeks stay to the execution and implementation of the impugned judgment and award dated 9th September, 2016 passed by the learned Member, Motor Accident Claims Tribunal, Mumbai, in M.A.C.P. No. 574 of 2011. The learned Member of the tribunal has granted compensation of Rs. 12,35,000/- alongwith interest @9% p.a.
3. The learned Counsel for the applicant submits that the applicant/insurance company has deposited the entire decretal amount alongwith interest accrued thereon.
4. In view of this submission, the execution and implementation of the impugned judgment and award is stayed till the final disposal of the Appeal.
5. Civil Application is allowed and is accordingly disposed of.

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6. This Application is filed by the applicants for withdrawal of the amount deposited by the insurance company.

7. By the order dated 9th September 2016, the learned Member, Motor Accident Claims Tribunal, Mumbai, in M.A.C.P. No. 574 of 2011 has granted compensation of Rs. 12,35,000/- along with interest @ 9% p.a.

8. The learned counsel for the applicants submitted that the applicants are widow and two minor children of the deceased.

9. The learned counsel for the original appellant/insurance company opposes this application. She submits that the insurance company has good case on merits.

10. In the operative portion of the impugned judgment and award, the learned Member has apportioned the amount of the compensation. The learned Member of the tribunal has granted 25% of the amount of compensation as a share of applicant no.1 i.e. widow of the deceased and remaining 75% of the amount of compensation is to be kept in fixed deposit of any nationalized bank in the names of applicant nos. 2 and 3 i.e. two minor children of the deceased.

11. In view of the submission, applicant no.1 is allowed to withdraw Rs. 5 lakhs on an usual undertaking. The remaining amount is to be deposited in the fixed deposit of any nationalized bank as directed by the tribunal.

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

(MRIDULA BHATKAR, J.)