

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.3865 OF 2017
IN
FIRST APPEAL st. NO.12743 OF 2017

Smt.Kusum Jayantilal Somaiya ... Applicant

IN THE MATTER OF:

The New India Assurance co. Ltd. ... Appellant

Vs.

Ashit Jayantilal Somaiya (deceased) &Ors. ... Respondents

Mr.T.J. Mendon for the Applicant
Ms.Poonam Mittal for Appellant in FA.

CORAM: MRS.MRIDULA BHATKAR, J.

DATE: DECEMBER 5, 2017

P.C.:

1. Upon urgent mentioning, taken on Production Board.
2. The application is moved by the applicant/mother of the deceased respondent No.1 for withdrawal of the amount of compensation deposited by the insurance company as per the award of the Motor Accident Claims Tribunal, Mumbai dated 8.12.2016 passed in MACP No.1450 of 2009.
3. The learned Counsel for the applicant submits that the applicant lost her son in a motor accident on 6.3.2009 and since

then, except the amount under No Fault Liability, no other amount is withdrawn. He submits that the applicant requires money for her survival.

4. The learned Counsel for the Appellant/insurance company is present and submits that the insurance company has a good case on merits.

5. In view of the submissions of the learned Counsel, I allow the applicant to withdraw 50% of the amount deposited alongwith interest accrued thereon. The remaining amount to be invested in a Fixed Deposit of a nationalised bank.

6. Civil Application is disposed of accordingly.

(MRIDULA BHATKAR, J.)