

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.4152 OF 2017
IN
FIRST APPEAL ST. NO.18275 OF 2017

Savita Ashok Koli & Ors. ... Applicants

IN THE MATTER OF:

Reliance General insurance Co. Ltd. ... Appellant

Vs.

Smt.Savita Ashok Koli & Ors. ... Respondents

Mr.T.J. Mendon for Applicants / Claimants

Mr.Rajesh Kanojia i/b Res Juris for the Appellant in FA.

CORAM: MRS.MRIDULA BHATKAR, J.

DATE: DECEMBER 19, 2017

P.C.:

1. Upon urgent mentioning, taken on Production Board.
2. This is an application filed by the widow, the 5 minor children and the mother of the deceased Ashok Koli, for withdrawal of the amount of compensation deposited by the appellant / insurance company. The learned Chairman, Motor Accident Claims Tribunal, Mumbai, by his judgment and award dated 16.9.2016 had granted a compensation of Rs.16,07,400/- with interest @ 7.5% p.a. from the date of application. The Tribunal has directed to deposit Rs.1 lakh in the name of minor applicant Nos.2 to 6 each in any nationalised

bank, till they attain majority. Also, 20% amount with interest was directed to be paid to applicant No.7, the mother of the deceased. Further, the rest of the amount with interest was directed to be paid to applicant No.1 / widow of the deceased by cheque.

3. Learned Counsel for the insurance company opposed the application and submitted that the main challenge in the appeal is on the ground of quantum.

4. In view of the submissions of the learned Counsel and considering the facts of the case, the applicant No.1 is allowed to withdraw an amount of Rs.5 lakhs alongwith interest accrued thereon and applicant No.7 is allowed to withdraw Rs.1 lakh alongwith interest accrued thereon. The remaining amount shall be invested in Fixed Deposit of any nationalised bank.

5. Civil Application is disposed of accordingly.

(MRIDULA BHATKAR, J.)