

Vidya Amin

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION No. 4179 OF 2017
IN
FIRST APPEAL No. 1464 OF 2016

Smt. Reena Pradeep Rughani & Ors.	... Applicants
In the matter between	
Reliance General Insurance Co. Ltd.	... Appellant
Vs.	
Smt. Reena Pradeep Rughani & Ors.	... Respondents

Mr. T.J. Mendon, Advocate for the applicants.
Ms. Deepika Prabhala i/b. Res Juris, Advocate for original appellant.

CORAM: MRS.MRIDULA BHATKAR, J.
DATE: 20th December, 2017.

P.C.:

Upon mentioning, taken on production board.

2. This Application is moved by the applicants/original claimants for withdrawal of an amount of compensation deposited by the insurance company pursuant to the judgment and award dated 11th March, 2016 passed by the learned Member, Motor Accident Claims Tribunal, Nashik in M.A.C.P. No. 949 of 2008.

3. The learned counsel for the applicants submitted that the applicants are the widow, two minor children and mother of the

deceased. They need money for survival. Therefore, they be allowed to withdraw the amount of compensation.

4. The learned counsel for the insurance company submitted that the insurance company has deposited the entire decretal amount along with interest accrued thereon.

5. Perused the impugned judgment and award. In the impugned judgment, the learned trial Judge has granted compensation of Rs.43,93,000/- along with interest @7.5% p.a. In the operative clause (3), the learned trial Judge has specifically mentioned that amount of Rs.10,00,000/- each to be paid to claimant nos. 2, 3 and 4, i.e. two minor children and mother of the deceased and the remaining amount with interest is to be paid to claimant no. 1. The amount which is fallen to the share of minor children to be invested in the fixed deposit account in any nationalized bank for a period of 5 years and on maturity of fixed deposits, the amount with interest to be paid to the claimants. The judgment and award was passed on 11th March, 2016, thus, till March 2021, the amount shall remain in the nationalized bank for claimant nos. 2 and 3. Thus, applicant no. 1/wife is allowed to withdraw an amount of Rs.7,00,000/- along with interest accrued thereon and applicant no. 4/mother is allowed to

withdraw an amount of Rs.5,00,000/- along with interest accrued thereon on an usual undertaking.

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

(MRIDULA BHATKAR, J.)