

Vidya Amin

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION No. 4155 OF 2017
IN
FIRST APPEAL No. 659 OF 2012

Mohammad Hussain Vafat Ali Shaikh & Anr. ... Applicants
Vs.
United India Insurance Company Ltd. ... Respondent

Mr. Sudhakar Thorat i/b. Mr. Vijay Kokitkar, Advocate for the applicants.
Mr. S.M. Dange, Advocate for the respondent/insurance company. .

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

P.C.:

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 17th October, 2011 passed by the learned Member, Motor Accident Claims Tribunal, Mumbai in M.A.C.P. No. 1382 of 2002.

2. The learned counsel for the applicants submitted that the applicants are the parents of the deceased. Therefore, they be allowed to withdraw the amount of compensation.

3. The learned counsel for the insurance company submitted that

the insurance company has deposited the entire decretal amount along with interest accrued thereon.

4. Perused the impugned judgment and award. In the judgment, the learned trial Judge has granted compensation of Rs.3,46,000/- along with interest @8.5% p.a. The learned trial Judge has directed that 30% of the total amount of compensation with interest is to be paid to applicant no. 1/father and 70% of the total amount of compensation with interest is to be paid to applicant no. 2/mother. In view of this, 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.

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

(MRIDULA BHATKAR, J.)