

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.4154 OF 2017
IN
FIRST APPEAL ST. NO.25941 OF 2017

Kum.Savita Gundu Sutar & anr. ... Applicants

IN THE MATTER OF:

The New India Assurance Co. Ltd. ... Appellant

Vs.

Kum.Savita Gundu Sutar & Ors. ... Respondents

Mr.S.G. Thorat for the Applicant
Mr.Sudhakar Pandaram i/b Milind V. More for 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 for withdrawal of the amount of compensation deposited by the appellant / insurance company. Learned Counsel submits that it is an injury claim, filed by the minor through her mother. She wants money for treatment and education and the insurance company has deposited Rs.10,03,575/- pursuant to the judgment and award dated 16.3.2017 passed by the learned Member, Motor Accident Claims Tribunal, Kolhapur i/b MACP No.239

of 2012. The learned Counsel submits that the minor claimant has suffered 66% disability.

3. The learned Counsel for the insurance company while opposing this application submitted that the appellant has a good case on merits.

4. Considering the submissions and the expenses incurred by the applicant for treatment, the applicants are allowed to withdraw 50% of the amount with interest accrued thereon, upon furnishing usual undertaking to the satisfaction of the Registrar, Motor Accident Claims Tribunal, Kolhapur.

5. Civil Application is disposed of accordingly.

(MRIDULA BHATKAR, J.)