

Vidya Amin

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION No. 4175 OF 2017
IN
FIRST APPEAL (St.) No. 29834 OF 2017

Smt. Sujata Sanjay Madakari & Anr.	... Applicants
In the matter between	
National Insurance Co. Ltd.	... Appellant
Vs.	
Bharat Laxman Kharare & Ors.	... Respondents

Mr. Sudhakar G. Thorat, Advocate for the applicants.
Mr. Rahul Mehta i/b. KMC Legal Venture, Advocate for original appellant.

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 22nd December, 2016 passed by the learned Member, Motor Accident Claims Tribunal, Gadhinglaj in M.A.C.P. No. 56 of 2012.

2. The learned counsel for the applicants submitted that the applicants are the widow and mother of the deceased. They need money for survival. Therefore, they be allowed to withdraw the amount of compensation.

3. The learned counsel for the insurance company while opposing this Application has submitted that the appellant has good case on the point of negligence and quantum.

4. Perused the impugned judgment and award. In the judgment, the learned trial Judge has granted compensation of Rs.26,74,727/- along with interest @9% p.a. In the operative clause (c), the learned trial Judge has specifically mentioned that amount of Rs.5,00,000/- be invested in the fixed deposit account for a period of 7 years in the name of applicant no. 1/widow and applicant no. 1 is entitled to total amount of Rs.20,00,000/-. The remaining amount, i.e., Rs.6,74,727/- is to be given to applicant no. 2/mother and out of which, Rs.3,00,000/- is to be deposited for a period of 7 years in nationalized bank in the name of applicant no. 2/mother. Thus, applicant no. 2 is entitled to get the amount of Rs.3,74,727/-.

5. On perusal of the impugned judgment and award and in view of the submissions, applicant no. 1/wife is allowed to withdraw an amount of Rs.8,00,000/- along with interest accrued thereon and applicant no. 2/mother is allowed to withdraw an amount of Rs.3,74,727/- along with interest accrued thereon on an usual

undertaking.

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

(MRIDULA BHATKAR, J.)