

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**FIRST APPEAL (ST.) NO. 17353 OF 2016
WITH
CIVIL APPLICATION NO.855 OF 2017
IN
FIRST APPEAL (ST.) NO. 17353 OF 2016**

Mrs.Vinantu @ Vinanti Mahya Vartha & Ors. ...Applicants

IN THE MATTER BETWEEN

The National Insurance Co. Ltd. ...Appellant

Versus

Mrs.Vinantu @ Vinanti Mahya Vartha & Ors. ...Respondents

.....
Mr.Ramesh Chavanke for the Applicants.
.....

**CORAM: MRS.MRIDULA BHATKAR, J.
DATED: SEPTEMBER 19, 2017**

P.C. :

1. This application is filed by the applicants for withdrawal of the amount deposited by the appellant/ insurance company.

2. By the judgment and award dated 31.08.2015 the learned Member, Motor Accident Claims Tribunal, Palghar, in M.A.C.P. No. 19 of 2015 has granted compensation of Rs. 13,63,880/- along

with interest @ 9% p.a. from the date of petition till realization of entire amount.

3. Learned counsel for the applicants/original claimants informs the Court that the applicants are very poor. He further submits that the applicants are the wife, four children and parents of the deceased and applicant nos. 3 to 5 are taking education and they need money to survive. He further submits that till today, an amount of Rs. 50,000/- for no fault liability is not received by them.

4. Learned counsel for the applicants submits that he has given notice to Advocate Urmila Sanil, who is appearing for the appellant/insurance company, however, she is absent.

5. Heard. For the reasons mentioned in the application and also as the children are taking education, out of the principal amount of Rs.13,63,880/-, an amount of Rs. 50,000/- each is allowed to be withdrawn by applicant nos. 1, 2, 6 and 7 and an amount of Rs. 50,000/- each is allowed to be withdrawn by applicant no.1 on behalf of applicant nos. 3,4, and 5, who are minor children of applicant no.1. The remaining amount shall be invested in a fixed

deposit of a nationalised bank. The withdrawal shall be allowed after furnishing undertaking and personal bond in the said amounts.

6. Civil Application is allowed and disposed of accordingly.
7. Place the First Appeal for admission on 05.12.2017.

(MRIDULA BHATKAR, J.)