

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

CIVIL APPLICATION [CAF] NO.3132 OF 2017
IN
FIRST APPEAL NO.429 OF 2014

(United India Insurance Company Ltd.
vs.
Nepal s/o Mangal Tembhurne and others)

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*Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.*

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Court's or Judge's Orders

CORAM : KUM. INDIRA JAIN, J.
DATE : 8th AUGUST, 2017.

Heard Shri G.D. Asole, learned Counsel for applicants-respondent nos.6 to 9, Shri M.M. Kalar, learned Counsel for appellant and Shri A.J. Pophaly, learned Counsel for respondent no.5.

Perused order dated 20/05/2013 passed by the Tribunal in Claim Petition No.104/2009.

Respondent nos.6 to 9 claimed compensation from appellant and respondent no.5 as husband of respondent no.6 and father of respondent nos.7 to 9, met with death in vehicular accident. The Tribunal awarded 50% amount of total compensation including 'no fault liability' from appellant-insurance company and remaining 50% was directed to be deposited by respondent no.5-HDFC ERGO General Insurance Co. Ltd. Appellant has deposited 50% of the amount as per the direction of this Court.

Claimants have moved this application for withdrawal of the same on the ground that marriage of claimant no.2-Salma is to be performed and having lost the sole breadwinner in family, respondent nos.6 to 9-claimants are in need of money.

On perusal of order of the Tribunal, it is apparent that shares of claimant nos.3 & 4 are to be invested with nationalized bank as they are minors. The shares of minor claimants cannot be allowed to be withdrawn. However, for the reasons stated in the application, respondent nos.6 & 7-claimant nos.1 & 2 are permitted to withdraw the amount to the extent of their respective shares.

In the light of above, civil application is partly allowed. Respondent nos.6 & 7 are permitted to withdraw the amount to the extent of their respective shares subject to the decision of this appeal on furnishing usual undertaking. No costs.

JUDGE

**sdw*