

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

CIVIL APPLICATION NO. 1630 OF 2017
IN
FIRST APPEAL [STAMP] NO. 26596 OF 2016

Sahebrao Chaitram Pardeshi and another .. Applicants

versus

The National Insurance Company Ltd. .. Respondent

Mr. Shrikant S. Patil, Advocate for applicants

Mr. A. B. Kadethankar, Advocate for respondent

CORAM : SUNIL P. DESHMUKH, J.

DATE : 9th March, 2018

ORDER :

1. The applicants - claimants are parents of the deceased. Son died in mishap which had occurred on 24-04-2011. He had been bread earner for family. Compensation to the tune of ₹ 30,00,000/- had been prayed for, however, the motor accident claims tribunal had granted compensation of ₹ 25,00,000/- and some odd amount along with interest thereon from the date of petition.

2. Seventy five per cent of the award amount has been deposited in this court, however, the applicants have not received any amount beyond no fault liability. The applicants

submit that they are in dire need of the amount and non payment of compensation amount has been causing hardship to them making it difficult to pull on their life.

3. Learned counsel for respondent-insurance company - appellant submits that legal points are involved in the matter and in the circumstances insurance company may not be liable to be burdened with payment of compensation.

4. However, looking at that earning son of the applicants died in an accident and beyond no fault liability amount, the parents of deceased son have not received any amount hitherto, it appears to be expedient to partially grant the request made under the application in order to meet the ends of justice.

5. As such, from the amount deposited in this court by the appellant - insurer, fifty per cent amount with interest accrued thereon be invested in fixed deposit receipts of a nationalized bank earning interest as directed pursuant to the orders of the motor accident claims tribunal. Rest of the fifty per cent amount as desired by claimants be transmitted to motor accident claims tribunal, Dhule for facilitating withdrawal of the same by the applicants - claimants in the same proportion as directed by the tribunal under its award dated 18-04-2016 in motor accident claim petition bearing no. 374 of 2013 on applicants filing

undertaking before said tribunal to the effect that in case decision in first appeal goes adverse to their interest, they would pay back / deposit the withdrawn within a period of three months from the date of decision in the first appeal.

6. As such, from the amount deposited in this court by appellant - insurance company, fifty per cent amount be transmitted to the motor accident claims tribunal, Dhule in order to facilitate withdrawal of the same by the applicants in the same proportion as appearing in the order of the tribunal dated 18-04-2016 subject to undertaking as referred to above. A copy of undertaking be submitted in this court.

7. Civil application is disposed of.

SUNIL P. DESHMUKH,
JUDGE

pnd