

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

CIVIL APPLICATION NO. 2367 OF 2017
IN
FIRST APPEAL NO. 1822 OF 2014

Ms. Shravani Milind Naik .. Applicant

versus

National Insurance Co. Ltd. and ors. .. Respondents

Mr. Vinod Y. Bhide, Advocate for applicant

Mr. A. B. Kadethankar, Advocate for respondent no.1

CORAM : SUNIL P. DESHMUKH, J.

DATE : 9th March, 2018

ORDER :

1. Heard learned counsel for parties.
2. Applicant Ms Shravani Milind Naik is claimant no. 3 in motor accident claim petition no. 523 of 2007. Said claim petition had been allowed granting compensation to the claimants to the tune of Rs.16,46,500/- along with interest thereon at the rate of 7.5% per annum from the date of filing claim petition. The claim petition had been decided on 26-06-2014 while present applicant had been minor. Her 1/3rd share had been directed to be invested in her name in fixed deposit receipts in nationalized bank till she attains majority.

3. Against award in aforesaid motor accident claim petition, insurance company is before this court in appeal. While claimant no. 2 Jagruti Milind Naik had become major, she had filed civil application bearing no. 10365 of 2015 in first appeal no. 1822 of 2014 seeking withdrawal of compensation amount granted to her share under the award by the tribunal for her bonafide needs and without prejudice to the rights of the parties in the appeal and the connected appeals filed by the claimants for enhancement of compensation.

4. This court under order dated 07-01-2016 had considered that withdrawal can be allowed only from the amount of Rs.11,11,680/- and accordingly had partly allowed said application no. 10365 of 2015 to the extent of disbursal from amount of Rs.11,11,680/- Disbursement was directed to be made pursuant to the award and upon claimants giving undertaking before withdrawal of the amount.

5. Present application has been moved by claimant no. 3 who now has become major. While her sister – original claimant no. 2 had been allowed to withdraw her share from the amount of Rs.11,11,680/-. In the similar circumstances, according to her, she is making request for withdrawal of her 1/3rd share from

said amount. As such, applicant requests to allow her to withdraw her 1/3rd share from balance amount lying deposited in this court after claimant no. 2 has withdrawn her share. It is requested that present application be given similar treatment as the one received by application of claimant no. 2 for her share.

6. In view of aforesaid, from the amount which is lying deposited in this court after withdrawal of amount by claimant no. 2 (applicant in civil application no.10365 of 2015 in first appeal no.1822 of 2014), present applicant may be allowed to withdraw 1/3rd of the amount of her share from amount in balance lying deposited in this court in first appeal no. 1822 of 2014 on the same conditions as under order dated 07-01-2016 in civil application no.10365 of 2015.

7. With aforesaid, civil application is disposed of.

SUNIL P. DESHMUKH,
JUDGE

pnd