

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

950 CIVIL APPLICATION NO. 11126 OF 2017
IN FAST/18772/2017

KALIKA SHIVAJIRAO KAKADE
VERSUS
SHRIRAM GENERAL INSURANCE COMPANY LTD., THR MANAGER, AND
ANR

...
Advocate for Applicant : Mr. Vikram S. Undre
Advocate for Respondent No. 1 : Mr. Swpanil Dargad h/f
Mr. S. G. Chapalgaonkar
...

CORAM : K.K. SONAWANE, J.

DATED : 8th JUNE, 2018.

Order :-

1. Heard learned counsel applicant and respondent No. 1-Insurance Company. No one else turned up on behalf of respondent No. 2.

2. The applicant preferred present application for withdrawal of decretal amount in this case by the respondent-Insurance Company towards compensation awarded by the learned Tribunal in Motor Accident Claim Petition No. 06 of 2015. The applicant is mother of the deceased, who succumbed to the injuries sustained in motor vehicular accident on 18-10-2014. The learned Tribunal awarded compensation to the tune of Rs. 41,91,000/- towards compensation to the applicant-original claimant. The learned Tribunal has further directed to deposit amount of Rs. 30,00,000/- in the fixed deposit in any Nationalized Bank for a period of seven years. Being dissatisfied with impugned judgment and award the appellant-respondent No.1 -herein preferred the appeal.

Considering the grounds and objections raised in the appeal, it would not be just and proper to allow the applicant to withdraw the entire decretal amount in this appeal.

3. In view of the circumstances on record and for the reasons stated in the application, there is no impediment to allow the applicant to withdraw lump-sum amount of Rs. 12,00,000/- subject to certain conditions. It would sub serve the purpose in the interest of justice. It would not cause prejudice or injustice to other side.

6. Accordingly, the civil application is partly allowed. The applicant-original claimant is allowed to withdraw lump sum amount of Rs.12,00,000/- from the amount deposited in this Court on furnishing undertaking to the effect that, in case, any adverse situation arises, the applicant would refund the entire amount so withdrawn forthwith as per the directions of this Court. The rest of the balance amount deposited in this Court be invested in the FDR account in any Nationalized Bank for a period of two years or till decision of the appeal, whichever is earlier. Registry to do the needful for disbursement of amount as mentioned above.

7. Accordingly, civil application stands disposed of in above terms.

Sd/-
[K. K. SONAWANE]
JUDGE