IN THE HIGH COURT OF BOMBAY AT GOA

MISC.CIVIL APPLICATION NO. 246 OF 2018
IN
FIRST APPEAL NO. 83 OF 2017

NAZIMA SHAIKH @ NAZIMA BI AND 3 ORS., ... Applicants

Versus

THE NEW INDIA ASSURANCE CO. LTD., THR. ITS MANAGER AND 2 ORS., ... Respondents

Adv. D. Pangam and Adv. Shivadatta Munj for the Applicants.
Adv. Amey Jagdish Sinai Kakodkar for the Respondents.

Coram:- C. V. BHADANG, J.

Date:- 17th April 2018

P.C.:

This is an application for withdrawal of the amount of compensation deposited by the respondent/Insurance company before this Court.

2. The respondent has deposited an amount of Rs.71,56,534/- before this Court on 4/8/2017. In the appeal, the challenge is both on the aspect of negligence/contributory negligence of the deceased as also the quantum of compensation granted. The applicants are seeking withdrawal on the ground that they are in need of money for major repairs of the house and its

maintenance. It is contended that after the death of the deceased the applicants are facing hardships to meet their day to day and medical expenses inasmuch as the applicant no.4 is a senior citizen and is ailing. The applicants are seeking withdrawal of 50% of the amount. However, during the course of arguments at bar, Mr.Pangam, the learned counsel for applicants, on instructions, submits that the applicants shall restrict their claim for withdrawal of 25% of the amount deposited before this Court at this stage.

3. Shri Kakodkar, the learned counsel for the respondents in all fairness submits that in the event the withdrawal is allowed, it may be subject to an undertaking by the applicants that they will bring back the amount if so ordered. Considering the overall circumstances, the following order is passed:

ORDER:

(i) The applicant shall be permitted to withdraw an amount of Rs.15,00,000/- (Rupees Fifteen lakhs only) out of the amount deposited before this Court subject to the conditions that the applicants shall furnish an undertaking that they will bring back the amount, if so ordered.

(ii) The remaining amount shall continue to be invested in fixed deposit with a nationalized bank.

(iii) The civil application is disposed off in the aforesaid terms.

C. V. BHADANG, J.

ap/-