

IN THE HIGH COURT OF BOMBAY AT GOA

MISC.CIVIL APPLICATION NO. 308 OF 2018

IN

FIRST APPEAL NO. 129 OF 2017

FRANSQUINHA FERNANDES AND 3 ORS., ... Applicants

Versus

ANIL M. YADAV AND 2 ORS., ... Respondents

Shri Emerico Estevam Afonso, Advocate for the Applicants.

Shri Amey Jagdish Sinai Kakodkar, Advocate for the
Respondent No. 3.

Coram:- C. V. BHADANG, J.

Date:- 20th April 2018

P.C.

This is an application for withdrawal of the compensation, deposited before this Court in respect of death of one Jose Fernandes.

2. The applicant no. 1 happens to be the widow of the deceased, while the applicant no. 2 is the son, who has since attained majority. The applicant no. 3 is the father of the deceased and the applicant no. 4, is mother of the deceased, who has since expired.

3. The learned Tribunal, by award dated 21.02.2017 has granted compensation of Rs.12,35,000/- to the applicants along with

interest at the rate of 9% per annum, from the date of the filing of the petition till realisation. The learned Tribunal has granted apportionment of the compensation, in which, the applicant no. 1 is entitled to 1/2 share of the compensation, while the applicant no. 2 is entitled to 1/4 share of the compensation and the applicant nos. 3 and 4, who are the parents of the deceased are together entitled to 1/4 share.

4. The respondent no. 3-Insurance Company has filed an appeal, mainly challenging the quantum and also on the ground that there was a breach of policy condition.

5. I have heard Shri Afonso, the learned Counsel for the applicants and Shri Kakodkar, the learned Counsel for the respondent no. 3.

6. Shri Kakodkar, the learned Counsel for the respondent no. 3, in all fairness, submits that a reasonable amount to the extent of 50% of the amount, may be allowed to be withdrawn. Thus, the following order is passed:

O R D E R

(a) The office shall permit withdrawal of Rs.8 lakhs by the applicants, out of which, Rs.4 lakhs shall be paid to the applicant no. 1 and Rs.2 lakhs each, shall be paid to the applicant nos. 2 and 3.

(b) The remaining amount shall continue to be invested in a Nationalized Bank.

7. The Civil Application is disposed of.

C. V. BHADANG, J.

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