

IN THE HIGH COURT OF BOMBAY AT GOA

MISC.CIVIL APPLICATION NO. 303 OF 2018

IN

FIRST APPEAL NO. 50 OF 2016

CHANDRAKALA SADANAND KERKAR @
VASTAL AND 5 ORS.,

... Applicants

Versus

IFFCO TOKIO GENERAL INSURANCE CO.
LTD., THR. ITS AUT. SIG. SAURABH
SINGH AND 2 ORS.,

... Respondents

Adv. Sanman R. Keny for the Applicants.

Adv. Narayan Dattaram Govekar for the Respondent.

Coram:- C. V. BHADANG, J.

Date:- 20th April 2018

P.C.:

This is an application for withdrawal of the amount.

2. The Tribunal has granted compensation of Rs.12,35,000/- along with 9% interest from 29/10/2012 till actual payment towards death of the husband of the applicant no.1.

3. The applicants are seeking withdrawal of Rs.7,50,000/-. In appeal, apart from the challenge to the quantum, it is contended that there was breach of policy conditions.

4. The respondent/insurance company has deposited an amount of Rs.15,76,967/- before this Court on 4/4/2016, which is invested.

5. The learned counsel for the respondent/insurance company in all fairness submits that the applicants may be allowed to withdraw 50% of the compensation.

6. Considering the overall circumstances, the applicants are permitted to withdraw Rs.6,00,000/- from the amount deposited before this Court.

7. Out of the same, an amount Rs.3.00 lakhs shall be paid to the applicant no.1 and the remaining Rs.3.00 lakhs shall be paid in equal share to the applicants no.2 to 4.

6. The civil application is disposed off.

C. V. BHADANG, J.

ap/-