

IN THE HIGH COURT OF BOMBAY AT GOA

MISC.CIVIL APPLICATION NO. 206 OF 2018

IN

FIRST APPEAL NO. 103 OF 2016

JAYASHREE G. GAUNDER @ GOUNDER AND
ANR.,

... Applicants

Versus

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

... Respondents

Mr. Narayan Govekar, Advocate for the Applicants.

Ms. Yadika Mandrekar, Advocate for the Respondents.

Coram:- C. V. BHADANG, J.

Date:- 16th March 2018

P.C.

This is an application for withdrawal of the amount. The husband of the applicant no. 1 and the father of the applicant no. 2 died in a motor vehicular accident.

2. The Tribunal has granted compensation of Rs.13,77,000/- along with interest at the rate of 9% per annum. The Insurance Company has deposited Rs.16,54,401/- on 21.11.2016.

3. The applicant no. 1 is seeking withdrawal of 50% of the amount on the ground that the same is required for maintenance of the applicant no. 1 and for the minor son, who is aged 8 years.

4. On hearing the learned Counsel for the parties and for the reasons mentioned in the application and considering the fact that there is a challenge to the quantum of the compensation granted, at the instance of the Insurance Company and that the applicants, at this stage, are only seeking withdrawal of 50% of the amount, the same is allowed. The applicants are permitted to withdraw 50% of the amount deposited before this Court on 21.11.2016, subject to the undertaking by the applicant no. 1 that she will bring back the amount, if so ordered.

5. The Civil Application is accordingly disposed of.

C. V. BHADANG, J.

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