

IN THE HIGH COURT OF BOMBAY AT GOA

MISC.CIVIL APPLICATION NO. 948 OF 2018

IN

FIRST APPEAL NO. 47 OF 2017

SITA SHIVAJI SINDE AND ANR.,

... Applicants

Versus

ICICI LOMBARD GENERAL INSURANCE
CO. LTD. AND 2 ORS.,

... Respondents

Shri Milton Marshal, Advocate for the Applicants.

Shri Clayton Anthony Fonseca, Advocate for the Respondent
No. 1.

Coram:- C. V. BHADANG, J.

Date:- 30th November 2018

P.C.

This is an application for withdrawal of 50% of compensation, deposited by the respondent no. 1, original appellant in First Appeal No. 47/2017.

2. The Motor Accident Claims Tribunal has granted compensation of Rs.12,61,000/- alongwith interest at the rate of 9% per annum, from the date of filing of the petition i.e. from 05.10.2012, till realisation, to the applicants, who are respectively the widow and son of the deceased. In pursuance of the said order, the respondent no. 1 has deposited an amount of Rs.17,73,662/- before this Court. According to the applicants,

both of them are unemployed and they seek 50% of the amount of compensation.

3. Shri Fonseca, the learned Counsel for the respondent no. 1, in all fairness, submitted that this Court, may pass appropriate orders as may be deemed fit in the circumstances of the case.

4. The accident occurred in 2010 and the applicants have not been paid any amount. Considering the overall circumstances, the applicants are permitted to withdraw an amount of Rs.9 lakhs lying before this Court. The remaining amount shall continue to remain invested in a fixed deposit with a nationalized bank.

5. The application is disposed of in the aforesaid terms.

C. V. BHADANG, J.

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