

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

**CIVIL APPLICATION NO. 1699 OF 2018
IN
FIRST APPEAL STAMP NO. 10326 OF 2017**

Subhash Pandurang Navadakar and others ... Applicants
Versus
Reliance General Insurance Co. Ltd. ... Respondent

In the matter

Reliance General Insurance Co. Ltd. ...Appellant
Versus
Subhash Pandurang Navadakar and others ... Respondents

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Mr. Dhananjay D. Rananaware for the Applicants.
Ms. Deepika Prabala i/b Res Juris for Respondent-insurance company.

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CORAM : K. K. SONAWANE, J.

DATE : 24th JULY, 2018.

P. C.:

1. Heard learned Counsel for the applicants-original claimants and the learned Counsel for the respondent-insurance company. Perused the application.

2. The applicants-original claimants preferred the present application seeking leave to withdraw the amount of compensation deposited before the learned M.A.C.T. Satara in

execution of the judgment and award passed in M.A.C.P. No. 230 of 2013. The applicants are the legal representatives of the deceased Madhavi Subhash Navadakar, who succumbed to injury caused in vehicular accident occurred on 9th October, 2012. The learned Tribunal after appreciating the evidence on record, allowed the petition filed under Section 166 of the Motor Vehicle Act and granted compensation. Pursuant to the impugned judgment and award, the respondent-insurance company deposited the decretal amount before the learned Tribunal. The applicants are seeking permission to withdraw the compensation amount deposited before the M.A.C.T. Satara.

3. In view of nature of the subject matter and the grounds raised on behalf of respondent-insurance company, there is no impediment to allow the applicants to withdraw total sum of Rs.18,00,000/- from the amount of compensation deposited on behalf of insurance company before the M.A.C.T. Satara in the proceeding bearing M.A.C.P. No. 230 of 2013. Hence, the present application deserves to be allowed partly.

4. Accordingly, civil application stands allowed. The applicants-original claimants are hereby permitted to withdraw the sum or Rs. 18,00,000/- from the decretal amount deposited before the M.A.C.T. Satara in M.A.C.P. No. 230 of 2013, subject to condition that the applicant No.1 Subhash Pandurang Navadkar shall furnish undertaking on his behalf and on behalf of minor applicants No. 2 and 3 i.e. his daughter and son, that they would refund the amount so withdrawn forthwith in case any contingency arises in the present appeal. The rest of the balance decretal amount deposited before the learned M.A.C.T. Satara be invested in FDR account in any nationalised bank for a period of two years or till disposal of the proposed appeal, whichever is earlier with liberty to renew the FDR if required in future.

5. It is further stipulated that from the amount of Rs.18,00,000/-, allowed to be withdrawn by the applicants-original claimants, the amount of Rs.10,00,000/- be deposited in the FDR account in the name of minor applicant No.2 – Gayatri Subhash Navadkar in any nationalised bank for a period of ten years or till settlement of her marriage, whichever is earlier. It is

further stipulated that from the rest of the balance amount of Rs. 8,00,000/-, Rs.5,00,000/- be invested in the name of minor son i.e. applicant No.3 – Vighnesh Subhash Navadkar, till he attained the age of majority. Rest of the balance amount of Rs.3,00,000/- be disbursed to applicant No.1 – Subhash Pandurang Navadakar. The Registrar of the M.A.C.T. Satara to do the needful for disbursement of the amount in favour of applicants as mentioned above.

6. Accordingly, civil application stands disposed of in above terms.

(K. K. SONAWANE, J.)