

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**CIVIL APPLICATION NO. 3521 OF 2017
IN
FIRST APPEAL ST. NO. 20414 OF 2016**

Smt. Sunita Shankar Suryavanshi & Ors. ...Applicants

IN THE MATTER BETWEEN

National Insurance Company Ltd. ...Appellant

Versus

Smt. Sunita Shankar Suryavanshi & Ors. ...Respondents

.....

Mr. Balwant V. Salunkhe for the Applicants.

Ms. S.S.Dwivedi for the Original Appellant in FA.

.....

**CORAM: MRS.MRIDULA BHATKAR, J.
DATED : FEBRUARY 13 , 2018**

P.C. :

1. This Application is moved for withdrawal of an amount deposited by the original appellant pursuant to the judgment and award dated 09.02.2016 passed by the learned Member, Motor Accident Claims Tribunal, Sangli in M.A.C.P. No. 246 of 2013. The learned Member has granted compensation of Rs. 48,03,640/- including NFL along with interest @ 9% p.a.

2. It was directed that an amount of Rs. 10,00,000/- each was to be kept in a fixed deposit in the name of applicant nos. 1 to 3 i.e., widow and two daughters of the deceased for a period of five years and an amount of Rs. 50,000/- was directed to be paid to applicant no.4 i.e., mother of the deceased.

3. The learned counsel for the applicants submitted the applicants are the widow, two daughters and mother of the deceased. They are in need of money and therefore, the applicants be allowed to withdraw the amount.

4. The learned counsel for the appellant submitted that the appellant/ insurance company has a very good ground to succeed in the Appeal. The insurance company has filed this Appeal on the ground of quantum.

5. Considering the judgment and award and the submissions, applicant nos. 1 to 3 are allowed to withdraw Rs. 5 lakhs each along with interest accrued thereon on an usual undertaking and applicant no.4 is allowed to withdraw Rs. 30,000/- along with interest accrued thereon on an usual undertaking. The

remaining amount is to be deposited in the fixed deposit in any nationalized bank.

6. Civil Application is allowed and is accordingly disposed of.

(MRIDULA BHATKAR, J.)