

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

**CIVIL APPLICATION NO. 2743 OF 2018
IN
FIRST APPEAL STAMP NO. 26273 OF 2015**

Rani Shivaji Sathe and others	... Applicant
<i>In the matter of</i>	
Reliance General Insurance Co. Ltd.	... Appellant
Versus	
Rani Shivaji Sathe and others	... Respondents

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Tanja P. Deshpande i/b Mr. R.V. Sankpal for Applicants-original claimants.

Ms. Poonam Mital for Respondent-insurance company.

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CORAM : K. K. SONAWANE, J.

DATE : 13th AUGUST, 2018.

P. C.:

1. Heard learned Counsel for the applicants-original claimants and learned Counsel for respondent-insurance company. The applicants-original claimants preferred the present application seeking permission to withdraw compensation amount deposited by the appellant-insurance company in M.A.C.T. Satara in M.A.C.P. No. 60 of 2012.

2. Learned Counsel for the respondent-insurance company raised objection and submits that the learned Tribunal awarded exorbitant and excessive compensation amount without taking into consideration the factual aspects on record. It has contended that the driver of the offending vehicle was not possessing valid license and also valid permit. Therefore, the insurance company is not responsible for loss caused to the owner of the offending vehicle.

3. In view of nature of the subject matter and the objections raised on behalf of respondent-insurance company, I do not find any impediment to allow the applicants to withdraw lumpsum amount of Rs. 9,00,000/- from the total compensation deposited in this matter. Definitely it would subserve the purpose in the interest of justice. Hence, application deserves to be allowed.

4. Accordingly, civil application is allowed partly. The applicant shall furnish undertaking that they would refund the amount so withdrawn forthwith, in case any contingency arises in the appeal. Rest of the balance decretal amount remained deposited before the M.A.C.T. Satara, be invested in any

nationalised bank in FDR account for a period of two years or till decision of the appeal on merit, whichever is earlier with liberty to renew the FDR in future, if required.

5. It is stipulated that from the sum of Rs. 9,00,000/- allowed to be withdrawn, the amount of Rs. 2,00,000/- each be invested in any nationalised bank in FDR account in the name of applicant No.2 – Master Ajay Shivaji Sathe, applicant No.3 – Master Vikram Shivaji Sathe and applicant No.4 – Master Rushikesh Shivaji Sathe till they attain the age of majority. The sum of Rs.1,00,000/- be disbursed in favour of applicant No.5 – Shri Shankar Dada Sathe and remaining balance amount of Rs.2,00,000/- be disbursed in favour of applicant No.1 Smt. Rani Shivaji Sathe.

6. The Registry of M.A.C.T. Satara shall take requisite steps for disbursement of amount as directed above in favour of applicants and file compliance report to this Court.

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

(K. K. SONAWANE, J.)