

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

**CIVIL APPLICATION NO. 780 OF 2018
IN
FIRST APPEAL NO. 1395 OF 2016**

Smt. Shamshadbi N. Khan & Anr. ..Applicants

v/s.

New India Assurance Co. Ltd. ..Respondents

Mr. Sachin Hande for the Applicants.
Mr. Shrikant Dange for the Respondent.

**CORAM : SMT. ANUJA PRABHUDESSAI, J.
DATED : 14TH MARCH, 2018.**

P.C.

1. The Applicants herein were the claimants in Motor Accident Petition No.39 of 2014. By judgment dated 8th February, 2016 the MACT has awarded compensation of Rs.28,70,000/- including NFL of Rs.50,000/- with interest at the rate of 9% per annum. The Tribunal has held that the Claimant No.1 who is the widow is entitled to Rs.5,74,000/- and that the claimant nos.2 to 5 who are the minor children are entitled to an amount of Rs.5,49,000/- each with proportionate interest thereon at the rate of 9 %. The claimant no.6,

who is the mother of the deceased is awarded Rs.50,000/- with interest thereon at the rate of 9%.

2. The insurance company has challenged the said award. As per the order of the Court, the Insurance Company has deposited an amount of Rs. 33,72,165/-, which is inclusive of accrued interest.

3. By this application, the applicant nos.1 and 6 have sought withdrawal of the amount without any security.

4. Having considered the submissions advanced by the learned Counsel for the applicants and the learned counsel for the respondent, in my considered view 50% of Rs.5,74,000/- being compensation awarded to claimant no.1 along with the proportionate interest accrued thereon is ordered to be paid to the applicant no.1. The remaining 50% with proportionate interest be invested in her name in any nationalized bank, initially for a period of five years and or until further orders.

5. So far as the applicant no.2- claimant no.6, she is the mother of the deceased. An amount of Rs.50,000/- with 9% interest is awarded in her favour. Considering her age, sum of Rs.25,000/- along with the proportionate interest accrued thereon is ordered to be paid to

the applicant no.2- claimant no.6. Balance amount of Rs.25,000/- be invested in her name in any nationalized bank for five years and or until further orders.

6. The claimant nos.2 to 5 are the minor children of the deceased. The compensation of Rs.5,49,000/- along with proportionate accrued interest be invested in the names of each of these applicants till further orders or till the disposal of the appeal.

7. It is to be noted that payment of compensation in favour of claimant nos.1 and 6 is subject to the final outcome of the appeal. The applicants shall file an undertaking before the MACT that they will abide by the final orders that may be made in this appeal.

8. Application is disposed of.

(ANUJA PRABHUDESSAI, J.)