

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 379 OF 2018
IN
FIRST APPEAL NO. 747 OF 2017

Usha Popat Date & Ors.

...Applicants

IN THE MATTER OF BETWEEN

IFFCO Tokio Gen. Ins. Co.Ltd.

...Appellant

Versus

Usha Popat Date & Ors.

...Respondents

.....

Ms.Sangeeta S.Salvi for the Applicants.

Ms.Varsha Chavan for the Original Appellant in FA.

.....

CORAM: **MRS.MRIDULA BHATKAR, J.**
DATE : **JANUARY 30, 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 31.08.2016 passed by the learned Member, Motor

Accident Claims Tribunal, Thane in M.A.C.P. No. 141 of 2014. The learned Member has granted compensation of Rs. 9,53,000/- along with interest @ 8% per annum. Out of which, Rs. 1,00,000/- each is kept in fixed deposit in the name of applicants in any nationalized bank for a period of five years and Rs. 1,50,000/- each is to be paid to applicant nos.2 and 3 and the remaining amount is to be paid to applicant no.1.

2. The learned counsel for the applicants submitted that the applicants are widow and two children of the deceased. The deceased was only earning member of the family and till today, they have not withdrawn any amount.

3. The learned Counsel for the original appellant submitted that the appeal is filed on the ground of contributory negligence and quantum.

4. Considering the judgment and award and the submission of the learned counsel, the applicants are allowed to withdraw 50% of the amount along with interest accrued thereon as per their entitlement

on an usual undertaking. The amount which is deposited in the fixed deposit is not counted. The remaining amount is to be deposited in the fixed deposit in any nationalized bank.

5. Civil Application is allowed and is accordingly disposed of.
6. Parties to act upon an authenticated copy of this order.

(MRIDULA BHATKAR, J.)