

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

**CIVIL APPLICATION NO. 2560 OF 2018
IN
FIRST APPEAL STAMP 11785 OF 2017**

Supriya Sachin Memane and others ... Applicants

In the matter of

The New India Assurance Co. Ltd. ... Appellant

Versus

Supriya Sachin Memane and others ... Respondents

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Mr. T. J. Kapre i/b Mr. J. S. Kapre for Applicants.

Mr. Himanshu Takke a/w Sudhakar Pandaram i/b Mr. Milind V.

More for respondent-insurance company.

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CORAM : K. K. SONAWANE, J.

DATE : 27th JULY, 2018.

P. C.:

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

2. The applicants-original claimants moved the present application, seeking permission to withdraw the amount of compensation to the tune of Rs.31,89,085/- deposited in the

M.A.C.T. Pune in M.A.C.P. No. 425 of 2014. The applicants are the widow and parents of the deceased - Sachin Memane, who died in vehicular accident. Learned Tribunal, after appreciating the evidence on record, allowed the application and granted compensation by judgment and award dated 30th November, 2016. Pursuant to the award, the appellant-insurance company deposited the entire decretal amount before the M.A.C.T. Pune. The applicants-claimants are seeking permission to withdraw the same.

3. In view of reasons mentioned in the application and the factual aspects of the matter, there is no impediment to allow the applicants to withdraw at least 75% amount, which would accrue to Rs.24,00,000/- approximately. It would not cause any injustice to the appellant-insurance company. In contrast, it would subserve the purpose in the interest of justice.

4. Accordingly, civil application stands allowed partly. The applicants are hereby permitted to withdraw lumpsum amount of Rs.24,00,000/- from the total decretal amount deposited on behalf of appellant-insurance company before the M.A.C.T. Pune

in M.A.C.P. No. 425 of 2014, subject to condition that the applicants shall furnish undertaking that they would refund the amount so withdrawn forthwith in case any contingency arises in the appeal.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 be invested in FDR account in any nationalised bank for a period of two years or till decision of the present appeal on merit, whichever is earlier, with liberty to renew the FDR in future, if required.

5. The Registrar of the M.A.C.T. Pune, shall do the needful to facilitate for disbursement of amount in favour of the applicants-claimants as mentioned above.

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

(K. K. SONAWANE, J.)

Shridhar
Marutirao
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