

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 378 OF 2018
IN
FIRST APPEAL NO. 745 OF 2017

Mr.Vasant Tulsiram Aher

...Applicant

IN THE MATTER OF BETWEEN

IFFCO Tokio Gen. Ins. Co.Ltd.

...Appellant

Versus

Mr. Vasant Tulsiram Aher & Anr.

...Respondents

.....

Ms.Sangeeta S.Salvi for the Applicant.

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. 142 of 2014. The learned Member has granted compensation of Rs. 13,25,000/- along with interest @ 8% per annum. Out of which, Rs. 8,00,000/- is to be invested in fixed deposit in the name of applicant for a period of five years.

2. The learned counsel for the applicant submitted that the applicant is a father of the deceased. He was dependent on the income of the son. Till date, the applicant has not withdrawn any amount and, therefore, he be allowed to withdraw the amount of the compensation.

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

4. Considering the judgment and award and the submission of the learned counsel, the applicant is allowed to withdraw Rs. 6,00,000/- along with interest accrued thereon on an usual undertaking. The remaining amount is to be deposited in the fixed deposit in any nationalized bank.

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

(MRIDULA BHATKAR, J.)