

Vidya Amin

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION No. 284 OF 2018
IN
FIRST APPEAL (St.) No. 17662 OF 2017

Parvatibai Ganpat Temghare & Anr.	... Applicants
in the matter between	
The Bajaj Allianz General Insurance Co. Ltd.	... Appellant
Vs.	
Parvatibai Ganpat Temghare & Ors.	... Respondents

Mr. J.S. Yadav, Advocate for the applicants.
Mr. Sarthak S. Diwan, Advocate for original appellant.

CORAM: MRS.MRIDULA BHATKAR, J.
DATE: 23rd January, 2018.

P.C.:

Upon mentioning, taken on production board.

2. This Application is filed for withdrawal of amount by the applicants/original claimants deposited by the insurance company pursuant to the judgment and award dated 11th August, 2016 passed by the learned District Judge-5 & Member, Motor Accident Claims Tribunal, Kalyan in MACP No. 221 of 2007.

3. The learned counsel for the applicants/original claimants submitted that applicant No. 1 is the wife of the deceased and applicant No. 2 is the son of the deceased. They were dependant on

deceased Ganpat, who lost his life on 19th June, 2007. He submitted that the applicants need money for their survival. He further submitted that till today no amount is withdrawn by the original claimants.

4. In the judgment and award dated 11th August, 2016, the learned District Judge and Member, Motor Accident Claims Tribunal, Kalyan has awarded an amount of Rs.5,49,800/- along with interest @9% p.a. It is further ordered that an amount of Rs.1,50,000/- along with interest be paid to applicant No. 2-Santosh Ganpat Temghare and the remaining entire amount is to be paid to applicant No. 1/wife-Parvatibai Ganpat Temghare along with interest. It is also ordered that out of the amount for which Parvati is entitled, the amount of Rs.2,00,000/- is to be kept in Fixed Deposit in any nationalized bank for a period of three years from the date of the order. The order is passed on 11th August, 2016. So, the said amount of Rs.2,00,000/- to be kept in Fixed Deposit thereafter for a period of three years. Hence, Applicant No. 1/wife is allowed to withdraw Rs.1,00,000/- along with interest accrued thereon and applicant No. 2/son is allowed to withdraw Rs.75,000/- along with interest accrued thereon on an usual undertaking. The remaining amount to be kept in fixed

deposit in any nationalized bank.

5. Civil Application is allowed and is disposed of accordingly.

(MRIDULA BHATKAR, J.)