

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

**CIVIL APPLICATION NO. 1630 OF 2015
IN
FIRST APPEAL NO. 2147 OF 2008**

Sunita Amit Singhal ... Applicant

IN THE MATTER OF
The New India Assurance Co. Ltd. ... Appellant

V/s.
Sunita Amit Singhal & Ors. ... Respondents

Mr. S.M. Dange for the Respondent-Original Appellant in FA/2147/2008.
Mr. Nilesh Masurkar i/b Mr. Tejas Deshpande for the Applicants.

CORAM : K.K. SONAWANE, J.

DATE : 1st AUGUST, 2018.

P.C. :

1 Heard learned Counsel for the applicant-original claimant and the learned Counsel for the appellant-Insurance Company. The applicant-original claimant filed the present application for seeking permission to withdraw the compensation amount deposited on behalf of appellant-Insurance Company before the M.A.C.T. Pune in Claim Application No.751 of 1996. The applicants-original claimants are widow and children of the deceased Amit Singhal who succumbed to the injury in vehicular accident. The learned Tribunal appreciated the entire evidence on record and granted

the compensation amount and pass the impugned judgment and award dated 03.07.2003. Being aggrieved by the findings of the learned Tribunal, the Respondent-Insurance Company prefer a First Appeal bearing No.2147 of 2008 and agitated the quantum of compensation amount awarded by the Tribunal.

2 In view of submissions advanced on behalf of both sides and the grounds raised in the appeal, there is no impediment to allow the widow and children of the deceased Amit Singhal for withdrawal of atleast 75% of the compensation amount deposited before the Tribunal by the Appellant-Insurance Company. It is not in dispute that the applicant widow and children of the deceased Amit Singhal are pursuing the present proceeding since year 1996. The learned Tribunal passed the impugned award on 03.07.2003 and even up-till year 2018 the widow and children of the victim of the vehicular accident, are stranded for compensation amount. In view of object and purpose of the beneficial legislation, I find it justifiable to allow the applicant for withdrawal of the lump sum amount of Rs.25 lakhs from the compensation amount deposited on behalf of appellant-Insurance Company before the Tribunal Pune. Definitely it would provide some sort of solace to the applicants-original claimants.

3 Hence the application stands allowed. The applicants are hereby permitted to withdraw the lump sum amount of Rs.25 lakhs from the total compensation amount deposited before the M.A.C.T. Pune in Claim Application No.751 of 1996 subject to condition that the applicants shall furnish the undertaking that they would refund the amount so withdrawn in case any contingency arises in the appeal. Rest of the balance compensation amount deposited before the M.A.C.T. Pune be invested in F.D.R. account in any nationalized bank for a period of two years or till decision of the present appeal on merit, whichever is earlier, with liberty to renew the F.D.R. in future if required.

4 Accordingly, Civil Application stands disposed of in above terms.

(K.K. SONAWANE, J.)

Waishali Digitally signed
Sushil by Waishali
Waghmare Sushil Waghmare
 Date: 2018.08.03
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