

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 759 OF 2018
IN
FIRST APPEAL ST. NO. 36103 OF 2017

Mr. Moinuddin Azizuddin Khan & Anr. ...Applicants

Versus

Bharti Axa General Insurance Co. Ltd. ...Respondent

.....
Mr.T.J.Mendon for the Applicant.

Mr. Mehta i/b. KMC Legal Venture for the Respondent (Original Appellant in FA)

.....
CORAM: **MRS.MRIDULA BHATKAR, J.**
DATE : **FEBRUARY 22, 2018**

P.C.:

1. Upon urgent mentioning, taken on Production Board.
2. This Application is moved by the applicants/original claimants for withdrawal of an amount of Rs. 11,37,500/- along with interest @7.5% p.a. deposited by the insurance company/original appellant pursuant to the judgment and award dated 13.07.2017 passed by the learned Member, Motor Accident Claims Tribunal, Mumbai in M.A.C.P. No. 19 of 2012.

3. The learned Counsel for the applicants submits that the applicants are parents of the deceased. They are in need of money and, therefore, the applicants be allowed to withdraw the amount.

4. The learned counsel for the appellant submits that the appellant/ insurance company has a very good ground to succeed in the Appeal, as the cheque of opposite party i.e., owner of the offending vehicle was bounced.

5. Considered the judgment and award and the submissions. The learned Member of the tribunal has apportioned the shares equally to both the claimants. The applicants are allowed to withdraw 50% of the amount of their entitlement deposited by the appellant on an usual undertaking. The remaining amount is to be deposited in the fixed deposit in any nationalized bank.

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

(MRIDULA BHATKAR, J.)

