

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

**CIVIL APPLICATION NO. 1698 OF 2018
IN
FIRST APPEAL (ST.) NO. 21178 OF 2017**

Smt.Surekha Sandip Dhabale & Ors. ... Applicants-claimants

In the matter between

SBI General Insurance Co. Ltd. ... Appellant

V/s.

Smt.Surekha Sandip Dhabale & Ors. ... Respondents

- Mr.Rajan S. Pawar for the Applicants/Org. Respondent Nos.1 to5.
- Mr.Devendranath S. Joshi for the Appellant.

CORAM : DR.SHALINI PHANSALKAR-JOSHI, J.

DATE : 30th AUGUST, 2018.

P.C. :

1] This is an application for withdrawal of the amount of compensation, considering the requirements of the Applicant/Claimant Nos.2 and 3, who are minor children, for their education and Applicant/Claimant Nos.4 and 5, who are parents, having regard to their age and for their medical treatment.

2] Learned counsel for the Appellant strongly resists on the count that the Appeal is preferred both on the count of quantum of compensation and also as regards the aspect of negligence.

3] In view thereof, the application cannot be allowed entirely. However, having regard to the requirements of Applicant/Claimant Nos.4 and 5 and considering their age they are allowed to withdraw the amount of their share allowed to them by the tribunal i.e. Rs.5,00,000/- each, subject to undertaking that the amount will be refunded with proportionate interest, if the decision of the appeal goes against them.

4] As regards Applicant/Claimant Nos.2 and 3, they are the minor children. Hence, amount of their share cannot be allowed to withdraw till they attain the majority.

5] As regards, Claimant No.1, who is widow, she is permitted to withdraw the amount of Rs.7,00,000/-, subject to condition of filing an undertaking that she will refund the amount with proportionate interest, if the decision of the appeal goes against her.

6] The Civil Application is disposed of in above terms.

[DR.SHALINI PHANSALKAR-JOSHI, J.]