

Anand

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

**CIVIL APPLICATION NO. 2379 OF 2018
IN
FIRST APPEAL NO. 736 OF 2016**

Shabana Rahim Khatik .Applicant

Vs.

National Insurance Co. Ltd. .Respondent

Mr. G. R. Agrawal, Advocate, for the Applicant

Mr. R. Mehta i/b. KMC Legal, Advocate, for the Respondent

CORAM : V.M.DESHPANDE, J.

DATE : 11.07.2018

P.C.

. Heard Mr. Agrawal, learned counsel for the Applicant –
Original Claimant.

2. By the Award dated 21.04.2015 passed by the learned Member, Motor Accident Claims Tribunal, Nasik in M. A. C. P. No. 40 of 2012. The Court has granted an amount of Rs. 5,00,000/- inclusive of no fault liability.

3. The present Application is filed by the widow of Rahim Khatik (deceased), who lost his life in the fatal accident. Today, the

Court has admitted the Appeal. Mr. Mehta, learned counsel for the Insurance Company states that as per the Award, the Insurance Company has deposited the entire amount alongwith interest before the Court.

4. After hearing both the parties, I pass the following order.

O R D E R

(i) The Application is partly allowed;

(ii) The Applicant will be entitled to withdraw Rs. 5,00,000/- from and out of the amount so deposited before the Court on Applicant giving an undertaking before the said Court that in case, the Appeal filed by the Insurance Company is allowed, then in that event, the Applicant will refund the amount which she has withdrawn alongwith the interest which shall be determined by this Court within a period of three years from the date of the Judgment of this Court;

(iii) The remaining amount shall be invested by the Court below in any Nationalized Bank initially, for a period of three years and shall continue to do the same as & when occasion arises to save loss of interest;

(iv) The Application is disposed of.

(V.M.DESHPANDE, J.)