

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

**CIVIL APPLICATION NO. 2605 OF 2018  
IN  
FIRST APPEAL STAMP NO. 4890 OF 2017**

Kamlaprasad Jagdish Singh and another ... Applicants

***IN THE MATTER OF***

New India Assurance Co. Ltd., ... Appellants

Versus

Kamlaprasad Jagdish Singh and others ... Respondents

.....

Mr. T.J. Mendon for the Applicants/original respondents.

Ms. Poonam Mital for the Appellant-insurance company.

.....

**CORAM : K. K. SONAWANE, J.**

**DATE : 24<sup>th</sup> JULY, 2018.**

**P. C.:**

1. Heard learned Counsel for the applicants-original claimants and the learned Counsel for the respondent-insurance company.

Perused the application.

2. The applicants-original claimants are seeking permission to withdraw the amount of 38,67,638/- deposited pursuant to the impugned award passed by the Motor Accident Claims Tribunal, Mumbai in M.A.C.P. No. 2473 of 2011.

3. In view of the grounds raised in the appeal on behalf of respondent-insurance company and the reasons mentioned in the application, there is no any impediment to allow the applicants-claimants who are the parents of deceased for withdrawal of some part of the amount of compensation. Definitely it would subserve the purpose in the interest of justice. Rest of the balance amount would be kept reserved to protect interest of the respondent-insurance company. Therefore, the application deserves to be allowed. Accordingly, the application stands allowed.

4. The applicants-claimants are permitted to withdraw lumpsum amount of Rs.25,00,000/- from the total decretal amount deposited on behalf of the respondent-insurance company before the M.A.C.T. Mumbai subject to condition that the applicants shall furnish undertaking to refund the entire amount which have been withdrawn on their behalf, in case any contingency arises in the appeal. Rest of the balance amount deposited before the M.A.C.T. shall be invested in FDR in any nationalised bank for a period of two years or till decision of the present appeal on merit, whichever is earlier with liberty to renew

the FDR, if any, in future. The Registrar of the M.A.C.T. Mumbai shall do the needful for disbursement of amount in favour of the applicant as mentioned above.

5. Accordingly, civil application is disposed of in above terms.

( K. K. SONAWANE, J.)

Shridhar  
Marutirao  
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