

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

**CIVIL APPLICATION NO. 2764 OF 2018
IN
FIRST APPEAL STAMP NO. 8107 OF 2016**

Shrirang Vishnu Bhujbal and another	... Applicants
<i>In the matter of</i>	
ICICI Lombard General Insurance Co. Ltd.	... Appellant
Versus	
Shubhangi N. Bhujabal and others	... Respondents

.....

Ms Deepika Prabla i/b Res Juris for Applicant-insurance Mr. R. V.Sankpal for Respondents No. 3 and 4.

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CORAM : K. K. SONAWANE, J.

DATE : 8th AUGUST, 2018.

P. C.:

1. Heard learned Counsel for the applicants the parents of the deceased – Nandkishor Shrirang Bhujbal, who succumbed the injuries during vehicular accident. The applicants along with widow and children of deceased preferred claim petition bearing M.A.C.P. No. 256 of 2012 for compensation under Section 166 of the Motor Vehicles Act, 1988. The learned Tribunal appreciated the facts on record and allowed the claim of the widow and parents of the deceased Nandkishor Bhujbal. The Tribunal granted total sum of Rs.5,00,000/- to the applicants who are the parents

of the deceased. The learned Counsel for the applicants submits that the appellant-insurance company has already deposited compensation amount, hence he prayed to allow the applicants i.e. Mr. Shrirang Vishnu Bhujbal and Mrs. Janabai Shrirang Bhujbal for withdrawal of Rs.1,00,000/- each from the compensation amount deposited in the Tribunal.

2. In view of reasons mentioned in the application and nature of the subject matter, there is no impediment to allow the applicants to withdraw compensation amount being parents and dependents of victim of vehicular accident i.e. deceased Nandkishor Bhubbal. Hence, application deserves to be allowed.

3. Accordingly, civil application stands allowed. The applicants Mr. Shrirang Vishnu Bhujbal and Mrs. Janabai Shrirang Bhujbal are hereby permitted to withdraw a lumpsum amount of Rs.1,00,000/- each from the total compensation amount deposited on behalf of appellant-insurance company in M.A.C.T. Satara in M.A.C.P. No. 256 of 2012. Rest of the balance decretal amount remained deposited before the M.A.C.T. Satara be invested in any nationalised bank in FDR account for a period of two years or till further orders.

4. The applicants Mr. Shrirang Vishnu Bhujbal and Mrs. Janabai Shrirang Bhujbal shall furnish undertaking that they would refund the compensation amount so withdrawn forthwith, in case any contingency arises in the appeal.

5. Registry of M.A.C.T. Satara to take requisite steps for disbursement of compensation amount in favour of applicants i.e. Mr. Shrirang Vishnu Bhujbal and Mrs. Janabai Shrirang Bhujbal as directed above and forward compliance report to this Court.

6. Accordingly, civil application stands disposed of in above terms.

(K. K. SONAWANE, J.)

Shridhar
Marutirao
Sutar

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