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

**CIVIL APPLICATION NO.2729 OF 2018
IN
FIRST APPEAL (ST) NO.16846 OF 2018**

Mrs. Nisha Joseline Mascarenhas and ors ... Applicants.

In the matter between

Iffco Tokio General Insurance Co.ltd ... Appellants.
V/s.

Mrs. Nisha Joseline Mascarenhas and ors ... Respondents

Mr. T. J. Mendon, for applicants.

Ms. Deepika Motagi a/w Ms. Nisha Gandhi i/by Res
Juris, for the appellant.

CORAM : DR.SHALINI PHANSALKAR-JOSHI, J.

DATE : 12th SEPTEMBER, 2018.

P.C. :

1] Heard learned counsel for the Applicant and appellant Insurance Company.

2] This application is filed by claimants seeking withdrawal of the amount deposited in the Tribunal. The applicants are the parents of the deceased. The total amount deposited is Rs.77,67,776/-.

3] Learned counsel for appellant submits that the appeal is filed not only on the quantum of compensation, but also on the delay and latches in filing F.I.R. and in view thereof, entire amount should not be

allowed to be withdrawn.

5] However, taking into consideration, the requirements of the applicants, they are permitted to withdraw 30% of the amount deposited in the tribunal, on furnishing usual undertaking.

6] Application is disposed off accordingly.

[DR.SHALINI PHANSALKAR-JOSHI, J.]