Vidya Amin

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION No. 4034 OF 2016
IN
FIRST APPEAL (ST.) NO. 14790 OF 2016

Smt. Sabrunnisha Vakil Khan & Ors. … Applicants
Vs.
he New India Assurance Co. Ltd. & Ors. ... Respondents

Mr. Amol Gatne, Advocate for respondent nos. 1 to 5
Mr. D.S. Joshi, Advocate for respondent no. 1.

CORAM: **MRS.MRIDULA BHATKAR, J.**
DATE: **20th February, 2018.**

P.C.:

This Application is moved by the applicants/original claimants for withdrawal of an amount of Rs.24,24,476/- along with interest @9% p.a. deposited by the insurance company/original appellant pursuant to the judgment and award dated 23rd December, 2015 passed by the learned Chairman, Motor Accident Claims Tribunal, Mumbai in M.A.C.P. No. 83 of 2007.

2. The learned counsel for the applicants submitted that the applicants are the mother, daughter and sons of the deceased. They require the money for their survival. Therefore, they be allowed to withdraw the amount of compensation.

3. The learned counsel for the appellant/insurance company

submitted that the insurance company has filed the Appeal on the point of negligence.

4. Perused the impugned judgment and award. The learned Chairman, Motor Accident Claims Tribunal, Mumbai has granted compensation of Rs.24,24,476/- with interest @ 9% p.a. The Tribunal has directed that the amount of compensation along with interest accrued thereon is to be paid equally to applicant nos. 1, 3, 4, 5 and 6. The share of the minor applicants be invested in fixed deposit of nationalized bank till the minor attains majority. Considering the facts of the case and the submissions, the applicant nos. 1 to 3 are allowed to withdraw 50% of the amount as per their entitlement on an usual undertaking. The applicant/original claimant no. 4 was 16 years old when the Civil Application was filed and if at all he has attained majority, then he is also allowed to withdraw 50% of the amount as per his entitlement on an usual undertaking. The remaining amount is to be deposited in the fixed deposit in any nationalized bank.

5. Civil Application is allowed and is accordingly disposed of.

(MRIDULA BHATKAR, J.)