

Vidya Amin

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION No. 3945 OF 2015
IN
FIRST APPEAL No. 1885 OF 2013

Smt. Smita Sanjay Joshi & Anr. ... Applicants
Vs.
The New India Assurance Co. Ltd. ... Respondent

Mr. Tejesh Dande a/w. Mr. Bharat Gadhavi, Niranjana Bhavake, Vishal Navale i/b. Tejesh Dande & Associates, Advocate for the applicants.
Mr.S.M. Dange, Advocate for the respondent.

CORAM: MRS.MRIDULA BHATKAR, J.
DATE: 6th February, 2018.

P.C.:

This Application is moved for withdrawal of the amount of compensation deposited by the insurance company pursuant to the judgement and award dated 11th April, 2012 passed by the learned Member, Motor Accident Claims Tribunal, Pune in MACP No.781 of 2009.

2. The learned counsel for the applicants submitted that the deceased was the principal earning member in the family. The claim was filed by the widow and son of the deceased. The accident took place on 20th May, 2009. Till today, the claimants have not withdrawn any amount.

3. The learned counsel for the respondent/insurance company submitted that the insurance company has good case on merits. The judgment and award is challenged on the ground of 100% negligence on the part of deceased and also on the point of quantum.

4. Perused the impugned judgment and award. The learned Member, Motor Accident Claims Tribunal has directed the compensation of Rs.9,92,040/- with interest @9% p.a. Out of the said amount, Rs.2,50,000/- each is directed to be kept in fixed deposits for a period of 5 years. These 5 years period is now over. In view of the facts and the defence taken by the applicants, I am inclined to allow the applicants/claimants to withdraw Rs.5,00,000/- (i.e., Rs.2,50,000/- each) on an usual undertaking. The remaining amount is to be deposited in a fixed deposit in any nationalized bank.

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

(MRIDULA BHATKAR, J.)