IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.117 OF 2018
IN
FIRST APPEAL NO. 603 OF 2016

Nilam Arvind Kamalelu ...Applicant

IN THE MATTER BETWEEN

National Insurance Company Ltd. ...Appellant

Versus

Smt.Sharda Balkrishna Kamalelu & Ors. ...Respondents

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Mr.Rajan S.Pawar for the Applicant.

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CORAM: **MRS.MRIDULA BHATKAR, J.**
DATE : **FEBRUARY 22, 2018**

P.C.:

1. Upon urgent mentioning, taken on Production Board.

2. This Application is moved by the applicant/respondent no.4 for withdrawal of the amount deposited by the insurance company/original appellant pursuant to the judgment and award dated 24th November, 2014 passed by the learned Additional Member, Motor Accident Claims Tribunal, Pune in M.A.C.P. No.686 of 2009.

3. The learned counsel for the applicant/ respondent no.4 submits that the original claimants are the mother, two unmarried sisters and widow of the deceased. They are in need of money and, therefore, they be allowed to withdraw the amount deposited by the insurance company.

4. The learned counsel for the appellant/insurance company submits that the driver of the offending vehicle was holding invalid licence. The insurance company challenges this Appeal on the point of quantum.

5. Perused the impugned order. The learned Member of the tribunal has granted compensation of Rs. 11,98,200/- along with interest @ 9% p.a. The learned Member has awarded 20% to the mother, 15% each to the unmarried sisters and 50% to the widow of the deceased.

6. Considering the facts of the case and the submissions, the original claimants, i.e., mother and two unmarried sisters of the deceased and respondent no. 4 i.e., widow of the deceased are

allowed to withdraw 50% of the amount along with interest accrued thereon as per their entitlement on an usual undertaking. The remaining amount is to be deposited in the fixed deposit in any nationalized bank.

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

(MRIDULA BHATKAR, J.)