

Vidya Amin

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION No. 256 of 2017
IN
FIRST APPEAL (St.) No. 34240 OF 2011

Ms. Asha Vasant Chavan	... Applicants
In the matter between	
ICICI Lombard General Insurance Co. Ltd.	... Appellant
Vs.	
Mrs. Tara Vasant Chavan & Ors.	... Respondents

Mr. S.R. Chavanke and R.B. Chavanke, Advocate for the applicants.
Mr. Rahul Mehta i/b. KMC Legal Venture, Advocate for the appellant.
Mr. Ganesh Kamath i/b. S.P. Bharti, Advocate for respondent no. 5.

CORAM: MRS.MRIDULA BHATKAR, J.
DATE: 23rd January, 2018.

P.C.:

This Application is moved by the daughter of deceased Vasant Chavan, who is 19 years old and son Nandkishor, who is 16 years old. Applicant No. 2 is represented through his sister.

2. The learned counsel for the applicants/original claimants submitted that the original applicant no. 1/wife of the deceased died after award is passed and grandmother/original applicant No. 4 died during the pending of Appeal. He submitted that the children are small and they need money for survival. He submitted that till today except NFL, no amount is received.

3. Perused the judgment and award dated 29th December, 2010 passed by the learned District Judge-2 & Member, Motor Accident Claims Tribunal, Phalghar. By the said judgment and award, the amount of compensation of Rs.4 lakhs along with interest @8% is awarded. The Court ordered to pay the amount equally between the claimants. Earlier there were four claimants, out of which, two of them have expired. In view of this, the applicants are allowed to withdraw Rs.1 lakhs each with interest accrued thereon.

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

(MRIDULA BHATKAR, J.)