

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.3837 OF 2015
IN
FIRST APPEAL NO.1097 OF 2014

Smt.Manju Vinod Rathod & Ors.

... Applicants

In the matter of:

The Oriental Insurance Co. Ltd.

... Appellant

Vs.

Smt.Manju Vinod Rathod & Ors.

... Respondents

Mr.Niketan Nakhawa i/b A.A. Mehta for the Applicants

Mr.D.S. Joshi for Appellant in FA

CORAM: **MRS.MRIDULA BHATKAR, J.**

DATE: **JANUARY 16, 2018**

P.C.:

1. This application is moved for withdrawal of the amount of compensation deposited by the appellant – insurance company pursuant to the order dated 25.10.2013 passed by the learned Member, Motor Accident Claims Tribunal, Mumbai in MACP No.1655 of 2010.
2. The learned Counsel for the applicants submits that except the amount under No Fault Liability, no amount is paid. He submits that the claimants are the widow, son and parents of the deceased.

3. Mr.Joshi appearing for the insurance company submits that the opponent, who was driving the offending vehicle, was below 18 and therefore, the insurance company is not liable to pay. The insurance company has good grounds in appeal.

4. In view of the submissions and for the reasons stated in the application, the applicants are allowed to withdraw 50% of the amount as per their entitlement. As the learned Counsel for the applicants has submitted that applicant No.4, who is the mother of the deceased, has expired, her share be paid equally to respondent Nos.2 and 3. All the withdrawals are subject to furnishing usual undertakings and outcome of the appeal.

5. Civil Application is disposed of accordingly.

(MRIDULA BHATKAR, J.)