

Anand

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**CIVIL APPLICATION NO. 3832 OF 2017
IN
FIRST APPEAL NO. 514 OF 2017**

Hemlata Rajendra Dhumal & ors. .Applicants

Vs.

The New India Assurance Co. Ltd. .Respondent

Mr. S. Chavan i/b. Mr. R. G. Shinde, Advocate, for the Applicant Nos.
1 to 4

Mr. S. S. Jinsiwale, Advocate, for the Respondent

CORAM : V.M.DESHPANDE, J.

DATE : 11.07.2018

P.C.

. This is an Application for withdrawal of the amount.

2. This Application is moved by the Applicants – Original Claimants.

3. Learned Additional Member of the Motor Accident Claims Tribunal, Pune in M.A.C.P. No. 175 of 2013 dated 01.04.2016 has granted compensation to the Applicants – Original Claimants to the tune of Rs. 27,70,000/- inclusive of no fault liability alongwith interest @ 9% p. a..

4. Mr. Jinsiwale, learned counsel for the Respondent – Insurance Company makes a statement that the entire amount alongwith interest is deposited before the M.A.C.T., Pune.

5. The Applicant No. 1 is widow, whereas the Applicant Nos. 2 to 4 are the minor daughters and son of deceased – Rajendra. The Insurance Company's Appeal admitted by this Court is merely on quantum. In that view of the matter, I pass the following order.

O R D E R

(i) The Application is partly allowed;

(ii) The Applicants will be entitled to withdraw 50% of the amount deposited by the Insurance Company alongwith interest, as deposited by the Insurance Company on Applicant No. 1 giving an undertaking before the Court below that in case, the Appeal filed by the Insurance Company is allowed, then in that event, the Applicants will refund the amount which they have withdrawn alongwith the interest which shall be determined by this Court within a period of three years from the date of the Judgment of this Court;

(iii) The remaining 50% amount shall be invested by the Court below in any Nationalized Bank initially, for a period of three years and

shall continue to do the same as & when occasion arises to save loss of interest;

(iv) The Application is disposed of.

(V.M.DESHPANDE, J.)