

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

**CIVIL APPLICATION NO. 1745 OF 2018  
IN  
FIRST APPEAL (ST.) NO. 25265 OF 2017**

Smt. Megha Amol Ingale & Anr. ....Applicants

In the matter between :-

Reliance General Insurance Co. Ltd. ....Appellant

V/s.

Smt. Megha Amol Ingale & Ors. ....Respondents

Mr. T.S. Ingale for the applicants.

Mr. Ajinkya Lokare i/b. Shalini Shankar for the appellant / insurance company.

**CORAM: SMT. ANUJA PRABHUDESSAI, J.  
DATED: 02<sup>nd</sup> MAY, 2018.**

**P.C.:**

. Heard the learned counsels for the respective parties.

2. By this application, the applicants have sought to withdraw the amount deposited by the appellant / insurance company before the Member, MACT, Mumbai.

3. The applicants were the claimants nos.1 and 2 in Application

No.2552 of 2011 filed before Member, MACT, Mumbai. The aforesaid applicants being the widow and child of the deceased-Amol Ingale had filed the petition under Section 166 of Motor Vehicle Act by judgment and award dated 23<sup>rd</sup> September, 2016. The Tribunal has awarded compensation of Rs.34,45,000/- with interest @ 9% per annum. The Tribunal has awarded 60% of compensation to the widow, 20% of compensation to the minor child and 10% each to the parents.

4. The appellant / insurance company has challenged the said award and during the pendency of the appeal and has deposited total sum of Rs.51,87,825/-. Considering the reasons stated in the application, 30% of total compensation alongwith proportionate interest accrued thereon is ordered to be paid to the Applicant No.1. 20% of total compensation is ordered to be invested in any nationalized bank in the name of Applicant No.2 (minor) till she attains the age of majority. The Applicant No.1 is permitted to withdraw the interest accrued on the said fixed deposit so as to meet day to day expenses of the applicant no.2.

5. It is made clear that the payment is subject to the final outcome of the appeal. The Applicants shall give an undertaking before the

Tribunal that they shall abide by the order that may be passed in the appeal.

6. Civil Application stands disposed of.

**(SMT. ANUJA PRABHUDESSAI, J.)**