

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

**CIVIL APPLICATION (ST.) NO. 34915 OF 2017
IN
FIRST APPEAL NO. 1316 OF 2016**

Smt. Vandana Pankaj Mishra & Ors.	Applicants
<u>In the matter between :-</u>	
Iffco Tokio General Insurance Co. Ltd	Appellant
V/s.	
Smt. Vandana Pankaj Mishra & Ors.	Respondents

Ms. Kavita Anchan i/b. Vishal Dhende for the applicants.
Ms. Jyoti Bajpayee for the appellant / insurance company.

**CORAM: SMT. ANUJA PRABHUDESSAI, J.
DATED: 11th APRIL, 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 MACT, Mumbai pursuant to the order passed under section 140 of Motor Vehicles Act.
3. By order dated 21st December, 2015 in Application No. 1749 of 2014, the Member, MACT, Mumbai has awarded compensation of

Rs.50,000/- towards no fault liability.

4. The applicant no.1 is the widow of the deceased, applicant no.2 is a minor daughter and the applicant nos.3 and 4 are the parents of the deceased-Pankaj Mishra who expired in a motor vehicle accident. They had filed an application under section 166 of the Motor Vehicle Act with application under section 140 of the Motor Vehicle Act. Pursuant to that, the appellant / insurance company has deposited Rs.50,000/- towards no fault liability. The appellant / insurance company has challenged the said order mainly on the ground that there was no insurance cover.

5. Considering the object of section 140 of the Motor Vehicle Act, in my considered view, the applicants are entitled receive the entire amount. Hence, out of Rs.50,000/-, sum of Rs.20,000/- be paid to the applicant no.1. The applicant no.2 being minor, an amount of Rs.15,000/- be invested in his name being applicant no.1 as his guardian, in any nationalized bank till the time she/applicant no.2 attains the age of majority. The balance amount be paid equally to the applicant nos.3 and 4.

6. It is made clear that the payment is subject to the final outcome of the appeal. The applicant nos.1 to 4 (*respondents in appeal*) shall give an undertaking before the MACT, Mumbai that they will abide by the order that may be passed in the appeal.

7. Civil Application stands disposed of.

(SMT. ANUJA PRABHUDESSAI, J.)