

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

**CIVIL APPLICATION NO. 641 OF 2018
IN
FIRST APPEAL (ST.) NO. 15507 OF 2017**

Smt.Aasha Anil Bhoir & Ors. ... Applicants

In the matter between :-

Reliance General Insurance Co. Ltd. ... Appellant

V/s.

Smt.Aasha Anil Bhoir & Ors. ... Respondents

- Ms.Rina Kundu for the Applicants/Org. Respondents.
- Ms.Poonam Mital for the Appellant.

CORAM : DR.SHALINI PHANSALKAR-JOSHI, J.

DATE : 30th AUGUST, 2018.

P.C. :

1] Heard learned counsel for the Applicants/Org. Respondents and learned counsel for the Appellant.

2] This is an application for withdrawal of the amount of compensation deposited by the Appellant in the Tribunal. The Application is made by the original claimants.

3] As per the order passed by the Tribunal, Claimant Nos.3 and 4, who are parents of the deceased, are awarded the amount of Rs.3,00,000/- each. Considering their age of 76 and 70 years old

respectively, they are permitted to withdraw the amount of their share i.e. Rs.3,00,000/- each with proportionate interest.

4] As regards Claimant No.2, he being a minor child, the amount allotted to his share i.e. Rs.6,00,000/- cannot be permitted to withdraw. However, as regards Claimant No.1, the widow, the amount allotted to her share is Rs.4,49,000/-, she is permitted to withdraw 50% thereof with proportionate interest thereon. The withdrawal of the amount is subject to condition that the Claimants will file an undertaking that in case the decision of the appeal goes against them, they will return the entire amount with interest thereon.

5] The Civil Application is disposed off in above terms.

[DR.SHALINI PHANSALKAR-JOSHI, J.]