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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION (St.) No. 35815 OF 2017
IN
FIRST APPEAL No. 120 OF 2011

Manisha Ujjwal Shroff & Ors.	...	Applicants
Vs.		
United India Insurance Co. Ltd.	...	Respondent

Mr. J. S. Karpe, for the Applicants.

Mr. K. N. Kandekar, for the Appellant in FA. 120/2011, and for the Respondent No. 1 in CAFST. 35815/2017.

Mr. S. M. Dange, for Respondent No. 7.

CORAM : V. M. DESHPANDE, J.

DATE : JULY 18, 2018

PC :-

1. This is an application for withdrawal of amount of compensation. Appeal filed by the insurance company is already admitted. Husband of Applicant No. 1 and father of Respondent Nos. 2 and 3 and son of Respondent Nos. 4 and 5, lost his life in the fatal accident. The court below has fastened liability on the Appellant United India Insurance Co. Ltd. and the other

opponents, as mentioned in the impugned judgment and award. Learned counsel appearing for Respondent No. 1 states that the entire amount of award is already deposited by the insurance company in the court below.

2. Application is opposed by both the counsel appearing for the respective respondents. I am of the view that since the impugned judgment stands as of today in favour of the claimants, they are entitled to the benefits arising out of it. Hence, the following order:

- (i) Applicants are entitled to withdraw 50% of the amount deposited by the insurance company alongwith accrued interest.
- (ii) Remaining 50% amount shall be invested by the court below in any nationalised bank, initially for a period of three years and continue to renew it as and when occasion arises.
- (iii) Application is partly allowed and disposed of in the aforesaid terms.

Sd/-
[V. M. DESHPANDE, J.]

Vinayak Halemath