

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 122 OF 2018
IN
FIRST APPEAL NO. 1305 OF 2017

Bina Rajan Desai ...Applicant

IN THE MATTER BETWEEN

New India Assurance Co. Ltd. ...Appellant

Versus

Bina Rajan Desai & Anr. ...Respondents

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Ms.Varsha Chavan for the Applicant.

Ms. Poonam Mital for the Original Appellant in FA.

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CORAM: MRS.MRIDULA BHATKAR, J.
DATE : JANUARY 17, 2018

P.C.:

1. This Application is moved for withdrawal of an amount deposited by the original appellant pursuant to the judgment and award dated 27.07.2017 passed by the learned Member, Motor Accident Claims Tribunal, Mumbai in M.A.C.P. No. 461 of 2013. The learned Member has granted compensation of Rs.25,65,000/- including NFL along with interest @7.5% p.a.

2. The learned Counsel for the applicant submits that the applicant/original claimant is a mother of the deceased son. Till today, only NFL amount is received by the applicant/original claimant.
3. The learned Counsel for the insurance company challenges the Appeal on the ground of quantum and contributory negligence.
4. Considering the judgment and award and the submissions, the applicant is allowed to withdraw 50% of the amount deposited by the appellant on an usual undertaking. The remaining amount is to be deposited in the fixed deposit in any nationalized bank.
5. Civil Application is allowed and is accordingly disposed of.

(MRIDULA BHATKAR, J.)