

*Sarnobat*

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

**CIVIL APPLICATION NO. 1496 OF 2018  
IN  
FIRST APPEAL NO. 1184 OF 2016**

Rajbeer Kaur Gurbinder Singh Sardu. ... Applicant.

**IN THE MATTER BETWEEN :**

Bajaj Allianz General Insurance Co. Ltd. ... Appellant.

Vs.

Rajbeer Kaur Gurbinder Singh Sardu & Ors. .. Respondents.

Ms. Varsha Chavan, for the Applicant in CAA 1496-2018 and for Respondent Nos. 1 to 3 in FA 1184/2016.

Ms. Yogita Deshmukh-Chitnis, for the Respondents in in CAA 1496-2018 and Appellant in FA 1184/2016.

**CORAM : V. M. DESHPANDE, J.**

**DATE : 5<sup>th</sup> JULY, 2018.**

**P. C. :**

1. The Insurance Company has preferred appeal before this Court bearing appeal No.1184 of 2016 challenging the judgment and award passed by Motor Accident Claims Tribunal, Mumbai dated 19<sup>th</sup> December, 2015 in Petition No. 1761 of 2009. The appeal filed on behalf of appellant is admitted on 30<sup>th</sup> August, 2016 and the stay is also operating in favour of the Insurance Company.

2. In view of the directions given by this Court on 17<sup>th</sup>

November, 2016, it is submission of the learned counsel for Insurance Company that, Insurance Company has deposited the entire amount.

3. By the present application widow of Gurbinder Singh Sardu is praying for withdrawal of the amount deposited by the Insurance Company.

4. As per the award the applicant widow was entitled to receive 80 % of the amount awarded. Remaining 20 % amount was to be kept for the parents of the deceased. The present application is moved by widow alone.

5. After hearing the learned counsel for parties, I proposed to pass the following order in the interest of justice;

**ORDER**

I) Application is partly allowed.

II) Applicant Rajbeer Kaur Gurbinder Singh Sardu shall be entitled to withdraw 50% from 80% of amount which is granted to her out of the total amount deposited by the Insurance Company.

III) The remaining amount shall be invested by Court below with any Nationalized Bank initially for a period of three weeks to save loss of interest.

**[ V. M. DESHPANDE,J.]**