

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR

FIRST APPEAL NO.617/2018

Magma HDI General Insurance Co.Ltd., Mumbai, thr. its Divisional Manager, Mumbai

..VS..

Jyoti Gopal Budh and ors

.....
Office Notes, Office Memoranda of Coram,
appearances, Court orders or directions
and Registrar's orders

Court's or Judge's Order

.....
Shri Vyas, Counsel for the appellant.
Shri S.D. Chopde, Counsel for respondent Nos.1 to 5.

CORAM : V.M. DESHPANDE, J.

DATED : OCTOBER 11, 2018.

Heard learned counsel Shri Vyas for the appellant.

ADMIT. The record and proceedings be called for. Learned counsel Shri S.D. Chopde waives service for respondent Nos.1 to 5.

CAF No.2796/2018

1. This is an application filed by respondent Nos.1 to 5 for permission to withdraw amount deposited by the appellant-insurance company.

2. Heard learned counsel Shri S.D. Chopde for respondent Nos.1 to 5, who has moved the present application and learned counsel Shri Vyas for the appellant-insurance company.

3. By the impugned judgment and award dated 31.8.2017 passed by learned Member, Motor Accident Claims Tribunal, Akola in MACP No.103/2014, awarded compensation in favour of the claimants to the tune of Rs.14,91,000/-. Out of that, learned Member apportioned Rs.8,91,000/- in favour of respondent No.1-Jyoti, the widow, whose husband lost his life in a vehicular accident. Learned Member further

apportioned Rs.1,50,000/- for each of the remaining claimants.

4. The appellant-insurance company, in pursuance to order dated 22.6.2018, deposited Rs.18,87,674/- before this Court.

5. Respondent Nos.2 and 3 are minor son and daughter of the deceased. Their future will have to be secured since their bread earner, who could have brought them nicely and in good fashion, has lost his life. The said fact will have to be considered while granting this application.

6. In that view of the matter, I pass following order:

ORDER

(i) The civil application is partly allowed.

(ii) Respondent No.1-Jyoti/claimant, at this stage, will be entitled to withdraw amount of Rs.5.00 lacs from and out of amount deposited by the appellant-insurance company.

(iii) Remaining amount shall be invested with any Nationalized Bank initially for a period of 3 years by the Registrar (J.) of this Court and the said Registrar shall continue to do the said exercise as and when occasion arises.

(iv) It is only respondent No.1-Jyoti, the widow, will be entitled to withdraw the interest accrued on the remaining amount twice in a year for maintaining herself and her minor son and daughter.

(v) Liberty is granted to respondent No.1-Jyoti to file an application for further withdrawal of amount after a period of 3 years from today.

(vi) With this, the civil application is partly and disposed of accordingly.

JUDGE

!! BRW !!