

IN THE HIGH COURT OF BOMBAY AT GOA

MISC.CIVIL APPLICATION NO. 132 OF 2019

IN

FIRST APPEAL NO. 93 OF 2016

TULSHIDAS L. KERKAR AND 2 ORS., ... Applicants

Versus

NATIONAL INSURANCE COMPANY LTD.
AND 4 ORS., ... Respondents

Adv. Ravi Gawas for the Applicants.
Adv. Amey Jagdish Sinai Kakodkar for the Respondents.

Coram:- C. V. BHADANG, J.

Date:- 13th February 2019

P.C.:

This is an application for withdrawal of the amount of compensation deposited before this Court. There were two vehicles involved in the accident being a truck and a bus. The deceased was an occupant of the bus. It appears that a F.I.R was registered against the driver of the bus. However, the Tribunal held the driver of the truck being solely responsible for the accident. The applicant is the insurer of the truck. The Tribunal granted compensation of Rs.31,83,000/- along with interest at the rate of 9% p.a. from the date of petition, till realization. The applicant has deposited an amount of Rs.46,48,618/- on 27/10/2016 before this Court.

2. The applicants, who are respectively the husband and the children of the deceased are seeking withdrawal of part of the compensation on the ground that the same is necessary for the education and for the marriage expenses of the second applicant.

3. Considering the overall circumstances, I find that an amount of Rs.8.00 lakhs (Rupees Eight lakhs only) can be allowed to be withdrawn by the applicants. In the result the application is allowed. An amount of Rs.8.00 lakhs shall be released in favour of the applicant no.1. The remaining amount shall continue to stay invested in the fixed deposit.

C. V. BHADANG, J.

ap/-