

IN THE HIGH COURT OF BOMBAY AT GOA

MISC.CIVIL APPLICATION NO. 483 OF 2019

IN

FIRST APPEAL NO. 1 OF 2019

JUMIBAI RAMCHANDRA LAMANI, THR.
POA, BY RAMASWAMI LAMANI AND 2
ORS.,

... Applicants

Versus

CHOLAMANDALAM MS GENERAL INSURANCE
CO. LTD. THR. ITS AUTH. SIGN.,
PALLAVI SUNIL RATHOD AND ANR.,

... Respondents

Mr. Sanman R. Keny, Advocate for the Applicants.
Ms. G. P. Borkar, Advocate for the Respondents.

Coram:- C. V. BHADANG, J.

Date:- 3rd May 2019

P.C.

This is an application for withdrawal of the amount deposited by the respondent no.1 (original appellant) before this Court. The applicants are respectively the widow and the son of the deceased who died in an accident in respect of which the Motor Accident Claims Tribunal has awarded compensation of Rs.12,44,000/- along with interest at the rate of 9% per annum from the date of the petition till realisation. The respondent no.1(original appellant) has deposited an amount of Rs.18,47,742/- before this Court.

2. The learned Counsel for the applicants submits that the

accident is of the year 2011 and mainly the ground of challenge by the first respondent to the impugned award are relating to the quantum of compensation granted.

3. The learned Counsel for the respondents submits that the challenge is also on the ground of the alleged rash and negligent act of the deceased himself inasmuch as the deceased who was driving the motorcycle had dashed against a stationary truck which was insured by the respondent no.1.

4. Having heard the learned Counsel for the parties and having perused the record, I find that the withdrawal of a part of the amount can only be allowed subject to condition.

5. In such circumstances, the application is partly allowed. The applicants are permitted to withdraw an amount of Rs.3,00,000/- each, from out of the amount deposited before this Court subject to an undertaking before the Registrar (Judicial) of this Court that they will bring back the amount. The remaining amount shall continue to stay invested in a fixed deposit.

6. The Civil Application stands disposed off.

C. V. BHADANG, J.