

IN THE HIGH COURT OF BOMBAY AT GOA

MISC.CIVIL APPLICATION NO. 878 OF 2018

IN

FIRST APPEAL NO. 61 OF 2017

KRISHNA SAKHARAM BAING AND ANR., ... Applicants

Versus

THE NEW INDIA ASSURANCE CO. LTD.,
THR. ITS MANAGER AND 2 ORS., ... Respondents

Adv. Vinoj K. Daniel for the Applicants.
Adv. A. Godinho for the Respondents.

Coram:- C. V. BHADANG, J.

Date:- 15th February 2019

P.C.:

This is an application for withdrawal of 50% of the amount of the compensation deposited before this Court. The deceased was an unmarried son of the applicants who was aged 25 years at the time of the accident. The Tribunal has awarded a compensation of Rs.95,05,000/- along with interest at the rate of 9% from the date of the petition till realization. The first respondent has deposited an amount of Rs.1,05,67,420/- before this Court. The applicants are seeking withdrawal of the 50% of the said amount.

2. On hearing the learned counsel for the parties and looking to

the nature of the challenge in the appeal which is both on the aspect of contributory negligence of the deceased as well as quantum and in order to secure the interest of both the parties, and further having regard to the fact that the applicants are the parents of the deceased and the applicant no.1 is said to have retired as a seaman, I find that the applicants can be permitted to withdraw an amount of Rs.20.00 lakhs. The remaining amount shall stay invested in the fixed deposit. The civil application is disposed off.

C. V. BHADANG, J.

ap/-