

IN THE HIGH COURT OF BOMBAY AT GOA

MISC.CIVIL APPLICATION NO. 998 OF 2018

IN

FIRST APPEAL NO. 41 OF 2017

CUSTODIO EMAEL D'COSTA AND 3 ORS., ... Applicants

Versus

THE NEW INDIA ASSURANCE CO. LTD., ... Respondent

Adv. Anthony Joe D'Silva for the Applicants.

Adv. A. Godinho for the Respondent.

Coram:- C. V. BHADANG, J.

Date:- 7th February 2019

P.C.:

This is an application for withdrawal of thirty per cent of the amount of compensation deposited before this Court.

2. The applicants are the original claimants before the Motor Accident Claims Tribunal being the parents and two unmarried sisters of the deceased who died in a vehicular accident at a young age of 26 years. He was working as a 3rd Engineer on a vessel owned by V. Ships India Pvt. Ltd.

3. The Tribunal has granted compensation of Rs.1,76,48,000/- along with interest at the rate of 9% p.a. from the date of the petition till realization. The compensation has been apportioned

in which the father and two sisters have been granted compensation of Rs.31,250/- each plus proportionate costs and interest, while the applicant no.2 (mother) has been granted compensation of Rs.1,75,54,250/- along with proportionate costs and interest.

3. The learned counsel for the applicants submits that both the sisters are unmarried. The parents are aged and one of the sisters i.e applicant no.3 is suffering from some mental disorder.

4. The first respondent/insurance company has deposited an amount of Rs.2,51,00,000/- before this Court which has been invested. Thirty percent of the amount comes to Rs.75,00,000/-, which may be allowed to be withdrawn, as the only bread winner in the family has died in the vehicular accident.

5. I have heard the learned counsel for the applicant and the learned counsel appearing for the respondent.

6. The learned counsel for the respondent submitted that this Court may pass appropriate orders as may be deemed fit in the circumstances of the case.

7. Having regard to the overall circumstances, I find that an amount of Rs.50.00 (Rupees fifty lakhs only) can be allowed to

be withdrawn by the applicants.

8. The learned counsel for the applicants, on instructions, submits that the entire amount at this stage may be paid to the applicant no.2 (mother), as major part of the compensation is directed to be paid to her. In the result, the application is partly allowed. The office shall release an amount of Rs.50.00 lakhs (Rupees fifty lakhs only) in favour of the applicant no.2. The rest of the amount shall continue to be invested in fixed deposit.

9. The hearing of First Appeal is hereby expedited.

C. V. BHADANG, J.

ap/-