

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**CIVIL APPLICATION NO.1368 OF 2019
IN
FIRST APPEAL NO.748 OF 2016**

Shabana Samir Patel & Ors.

...Applicants

In the matter of

FIRST APPEAL NO.745 OF 2016

Reliance General Insurance Co. Ltd.

...Appellant

V/s.

Shabana Samir Patel & Ors.

...Respondents

Mr. Nikhil Pawar, advocate for the applicants.

Ms. Deepika Prabhala i/b Res Juris, advocate for the respondent.

**CORAM: SMT. ANUJA PRABHUDESSAI, J.
DATED : 20th AUGUST, 2019.**

P.C.:

The applicants, who are the original claimants, have sought withdrawal of compensation awarded by the Learned Member, Motor Accident Claims Tribunal, Sangli, vide judgment dtd. 20/06/2015 in M.A.C.P. No.30 of 2014.

2. By the impugned judgment and award, the Tribunal has awarded compensation of Rs.5,79,900/- to the applicant No. 1, Rs.5,79,900/- to the applicant Nos. 2 and 3 and Rs.2,00,000/- to the applicant No. 4, being the widow, children and mother of the deceased.

3. The applicants have stated that they require the money for their day-to-day expenses. Besides, the applicant No. 4 is suffering

from several ailments and requires money for medical treatment.

4. Considering the reasons stated in the application as well as the grounds raised in the appeal memo, a sum of Rs.3,00,000/- with proportionate interest thereon is ordered to be paid to the applicant No.1 and sum of Rs.1,00,000/- with proportionate interest thereon is ordered to be paid to the applicant No.4. The applicant Nos. 2 and 3 are minors. Hence, at this stage I am not inclined to allow withdrawal of the compensation awarded in their favour.

5. Suffice it to say that withdrawal of compensation is subject to the final outcome of the appeal. The applicant Nos. 1 and 4 shall furnish an undertaking before the tribunal that they will abide by the final orders that may be passed in this appeal.

6. The MACT, to re-invest the balance amount in any nationalized bank.

7. Civil application stands disposed of.

(SMT. ANUJA PRABHUDESSAI, J.)