FARAD CONTINUATION SHEET
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION (ST) NO.937/2019
IN
FIRST APPEAL ST NO.30993/2017

Office Notes, Office Memoranda of Coram, Appearances, court's orders or directions and Registrar's orders	Court's or Judge's orders

Mr. Rahul Mehta I/b. KMC Legal for the Applicant
Mr. Vijay Killedar for Respondent Nos.1 and 2.

CORAM : K. K. TATED, J
DATE : MARCH 13, 2019

P.C.:

Heard. By this Civil Application, the Applicant-claimants are seeking permission to withdraw the entire amount deposited by the Appellant insurance company pursuant to the other passed by this court.

2 The learned counsel for the Applicant submits that in the present proceedings on 07.05.2012 the Applicant lost their son aged 22 years in an accident, who was serving with

IBM Daksh Business Process Service Pvt. Ltd. Yerwada as a Practitioner CRM Operation and was earning Rs.16512/- p.m. He submits that the tribunal, on the basis of the evidence adduced by Applicant, directed the opponents to pay sum of Rs.27,17,000/- by way of compensation. The learned counsel for the Applicant submits that both the Applicants are senior citizen. They have no source of income at present. They are in need of money for their day-to-day needs. Hence, the Civil Application.

3 On the other hand, the learned counsel for the Appellant Insurance Co. has vehemently opposed the Civil Application. He submits that before the Trial Court, they raised the objection about the breach of terms and conditions of the insurance policy which was recorded by the Trial Court in para 29 of the impugned order. He submits that the tribunal has awarded compensation at higher side.

4 Considering the submissions made by the learned counsel for the Applicant and as the Applicants lost their son and as both the Applicants are senior citizen, they are entitled to withdraw some amount, unconditionally.

5 Considering these facts and in the interest of justice, the following order is passed:

a. Both the Applicants are entitled to withdraw sum of Rs.5 lacs each along with interest, unconditionally, subject to outcome of the First Appeal.

b. The Tribunal is directed to invest the remaining award amount in a fixed deposit account of any Nationalized Bank, initially for a period of one year and same shall be renewed from time to time till further orders.

c. Civil Application stands disposed of accordingly.

(K.K. TATED, J.)