

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

**CIVIL APPLICATION NO.4379 OF 2016
IN
FIRST APPEAL NO.1557 OF 2016**

Mrs. Reshma Gulzar Shaikh and Ors.	...Applicants
Versus	
Bajaj Allianz General Insurance Co. Ltd.	...Respondent

.....

Ms Rina Kundu for the Applicants.
Ms Yogita Deshmukh for the Appellant/Respondent.

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATED: 21st JUNE, 2019.

P.C.:-

The Applicant No.1 is the widow, the Applicant No.2 is the father and the Applicant No.3 is the minor daughter of the deceased Gulzar Shiakh. These Applicants were the claimants in Claim Petition No.281 of 2008 filed before the Motor Accident Claims Tribunal, Kalyan.

2. By the impugned judgment and award dated 18th September, 2014, the Claims Tribunal has awarded compensation of Rs.6,42,000/- with interest at the rate of 9% per annum. By this application, the Applicants have sought withdrawal of the

compensation deposited by the Insurance Company pursuant to the order dated 18th September, 2014,

3. The Applicant No.3 is a minor and I am not inclined to allow the Applicant No.1 to withdraw the compensation awarded to the Applicant No.3. Considering the reasons stated in the application and the grounds raised in the appeal memo, the Applicant Nos.1 and 2 are permitted to withdraw Rs.1,00,000/- and Rs.50,000/- respectively, with proportionate interest accrued thereon. The balance amount to be reinvested in a Nationalised Bank.

4. It is made clear that the payment is subject to the final outcome of the Appeal. The Applicant Nos.1 and 2 shall file an undertaking before the Tribunal that they will abide by the final order that may be passed in the Appeal.

5. The application stands disposed of accordingly.

(SMT. ANUJA PRABHUDESSAI, J.)

Megha
Parab

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