IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.3182 OF 2019
IN
FIRST APPEAL NO.218 OF 2012
WITH
FIRST APPEAL NO.218 OF 2012
WITH
CIVIL APPLICATION NO.3183 OF 2019
IN
FIRST APPEAL NO.219 OF 2012
WITH
FIRST APPEAL NO.219 OF 2012

Miss Puja Subhash Jadhav and Ors. …Applicant

The Oriental Insurance Co. Ltd. ...Appellant
Versus
The Oriental Insurance Co. Ltd. ...Respondents

.....

Ms Anita Agarwal for the Appellant in FA/218/2012 and 219 of 2012.
Mr. Rohan Mahadik with Ms Roshni M. Thakkar i/b. M/s. Juris Partners for the Respondent Nos.1 and 2 in FA/218/2012 and FA/219/2012 and for the Applicants in CAF/3182/2019 and 3183/2019.

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATED: 7th OCTOBER, 2019.

P.C.:-

ORDER IN CIVIL APPLICATION NOS.3182 OF 2019 and 3183 OF 2019:-

By these applications the Applicants have sought withdrawal of compensation awarded by the Claims Tribunal in

impugned judgment and award dated 3rd September, 2011 in M.A.C.P. Nos.1139 of 2005 and 1140 of 2005. Both these claim petitions were filed by the Applicants in view of death of their parents in a motor vehicular accident on 22nd June, 2004 involving a truck bearing No.AP-11-T-6464, which was insured by the Appellant-Insurance Company.

2. In Claim Petition No.1139 of 2005 the Claims Tribunal has awarded total compensation of Rs.17,00,000/- with interest @ 7% per annum payable to the Applicants herein whereas in Claim Petition No.1140 of 2005 the Claims Tribunal has awarded compensation of Rs.7,92,600/- with interest @ 7% per annum from the date of petition till its realisation.

3. The learned counsel for the Appellant-Insurance Company has stated that both the Applicants have attained majority. The Applicants have stated that they are in need of money to meet their day to day expenses.

4. Considering the reasons stated in the applications, out of total amount of Rs.21,39,112/- awarded in MA.C.P. No.1139 of 2005, an amount of Rs.2,00,000/- each is ordered to be paid to the Applicant

Nos.1 and 2. Similarly, out of the total compensation awarded in M.A.C.P. No.1140 of 2005 an amount of Rs.2,00,000/- each is ordered to be paid to the Applicant Nos.1 and 2 each. The Applicants to file an undertaking before the Claims Tribunal, Pune in both the claim petitions that in the event the Appellant succeeds in the appeal, they shall refund the amount with prevailing rate of interest. The Tribunal to re-invest the balance compensation in any Nationalised Bank until further orders.

5. The applications stand disposed of.

ORDER IN FIRST APPEAL NOS.218 OF 2012 AND 219 OF 2012:-

6. The Appeals be listed for admission on **18/11/2019.**

(SMT. ANUJA PRABHUDESSAI, J.)

Megha Parab Digitally signed by Megha Parab Date: 2019.10.14 14:21:43 +0530