

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

**CIVIL APPLICATION NO.1135 OF 2019
IN
FIRST APPEAL No.751 OF 2013**

Jayashri Daulat Telange & Ors. ... Applicants

Vs.

National Insurance Co. Ltd. & anr. ... Respondents

IN THE MATTER BETWEEN:

National Insurance Co. Ltd. & anr. ... Appellant

Vs.

Jayashri Daulat Telange & Ors. ... Respondents

Mr.T.J. Mendon for the Applicant in CAF/1135/2019
Mr.A.B. Gatne for the Respondent Insurance Co.

CORAM: Mrs.MRIDULA BHATKAR, J.

DATED: APRIL 4, 2019

P.C.:

1. This application is moved for withdrawal of the money deposited by petitioner No.1, the widow of the deceased. The learned Member, Motor Accident Claims Tribunal, Mangaon, by his judgment and order dated 6.12.2012 has awarded an amount of Rs.4,93,200/- in favour of the applicants. The accident has taken

place on 10.6.2006. The learned Counsel for the applicant submits that the petitioner is a widow and she needs money.

2. The learned Counsel for the insurance company while opposing the application submits that the appellant insurance company has a good case on merits. The issue of pay and recover and quantum are involved.

3. Considering the time gap and the plight of petitioner No.1, I am of the view that petitioner No.1 widow is to be allowed to be withdraw a sum of Rs.2 lakhs, upon furnishing a usual undertaking to the satisfaction of the Registrar of the Motor Accident Claims Tribunal, Mangaon, Dist. Raigad.

4. Civil Application is disposed of accordingly.

5. List the First Appeal for hearing as per CMIS.

(MRIDULA BHATKAR, J.)