

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.1238/2019
IN
FIRST APPEAL NO.746/2017

Savleram G. Padekar & Ors. Applicants.

In the matter between:

Iffco Tokio General Insurance Co. Ltd. & Ors..... Appellant.

Vs.

Savleram G. Padekar & Ors. ... Respondents.

Advocate Mr.Amey Tamhane i/b Sangeeta Salvi for
applicants.

Advocate Mrs. Varsha Chavan for respondent.

CORAM : K.K.TATED, J.

DATED : JUNE 27, 2019.

P.C.

Heard learned counsel for parties.

2 By this civil application, applicants/claimants are seeking permission to withdraw 50% amount awarded by MACT, at Thane in MACP No.31/2014

3 Learned counsel for applicant submits that in the present proceeding, applicant no.1 lost his wife Vimal. At that time she was 46 years old. He submits that on the

basis of evidence on record the Tribunal held that applicants are entitled sum of Rs.8,30,000/- by way of compensation with 8% interest p.a.

4 Learned counsel for applicant submits that in connected matters, this court permitted claimant to withdraw 50% amount without furnishing security. These facts are not denied by the learned advocate for Insurance Company.

5. Learned counsel for appellant submits that in the present proceeding, they are challenging judgment and award, on the ground of negligency. She submits that in petition filed by legal heirs of deceased driver of the S.T. bus, the Tribunal specifically held that the driver of ST bus was negligent to the extent of 20%.

6. Considering the submissions, impugned judgment and award and as the applicant is seeking to withdraw 50% amount deposited by the appellant I am satisfied that applicant has made out a case for following order.

a) Applicants are permitted to withdraw total 50% amount deposited by appellant with accrued interest as per their share without

furnishing any security but subject to outcome of first appeal.

b) Civil application disposed of accordingly.

(K.K.TATED, J.)

