

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Civil Application (ST) No.10879/2019
in
First Appeal (ST) No.30660/2018

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders.
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Ms. Poonam Mittal for the Applicant
Ms. Neha Parte for Respondent Nos.1 and 2.

CORAM : K.K.TATED, J.
DATED : JUNE 13, 2019

P.C.

1 Heard. By this Civil Application, the Applicant - claimant is seeking withdrawal of the amount deposited by the Appellant Insurance Company to satisfy the judgment and decree dated 22.09.2017 passed by the MACT, Raigad at Alibaug in MACP No.215/2016.

2 In the present proceedings, the Applicant - claimants lost Arvind Maruti Chaudhary in an accident which occurred on 04.06.2016. At the time of accident, he was 30 years old. He was working as a Site Engineer in a private company. He was getting sum of Rs.15,000/- pm. Because of

accident, the Applicant filed the claim petition u/s.166 of the Motor Vehicles Act, 1988 claiming compensation to the tune of Rs.45 lacs with 18% p.a. interest. The Tribunal, after considering the evidence on record held that the claimants are entitled to sum of Rs.23,05,000/- by way of compensation with 9% p.a. interest. The Applicant No.1 does not have any source of income. Apart from that she has to maintain her minor child. Therefore, the Applicant may be permitted to withdraw the amount deposited by the Appellant Insurance Company. She submits that if the Civil Application is not allowed irreparable loss will be caused to them.

3 It is to be noted that in the present proceedings the Applicant lost Arvind Maruti Chaudhary, who was earning Rs.15,000/- p.m. At present, neither Applicant No.1 nor Applicant No.3 is earning. Both of them are housewives. The Applicant No.2 is minor.

4 Considering these facts, I am of the opinion that the Applicant No.1 may be permitted to withdraw some amount.

5 Hence, following order is passed:

a. The Applicant No.1 Smt. Rashmi Arvind Chaudhary is permitted to withdraw sum of Rs.5 lacs with accrued interest without furnishing any security, 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 hearing and final disposal of the appeal.

c. Liberty granted to the claimants to prefer an appropriate Application for withdrawal of further amount, if they so desire, which will be decided on its own merits

d. Civil application stands disposed off accordingly.

(K.K.TATED, J.)