IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Civil Application No. 1514/2019
in
First Appeal (ST) No. 450/2019

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders.

Mr. Kedar P. Lad for the Applicant
Mrs. S. S. Dwivedi for the Appellant

CORAM : K.K.TATED, J.
DATED : APRIL 25, 2019

P.C.

Heard. By this Civil Application, the Applicant is seeking permission to wtihdraw the amount deposited by the Insurance Co. as per the award dated 20.04.2016 passed by the MACT, Kolhapur in Motor Accident Claim No.99/2011.

2 In the present proceedings, in an accident which occurred on 03.08.2010 Dinkar Pandurang Gosavi expired. Hence, the claimant filed Application u/s.166 of the Motor Vehicles Act for compensation of Rs.5,80,000/- with interest.

3 The learned counsel for the Applicant submits that the learned counsel for

Applicant – claimant No.1 and 2 have no source of income. The claimant No.3 is a minor who is taking education. He submits that to maintain the family, the Applicant needs some amount. Hence, the Civil Application.

4 The learned counsel for the Appellant Insurance Co. submits that in the present proceedings there was no nexus between the accident and the death of the deceased, therefore, there is no question of permitting the Applicant to withdraw the amount deposited by them.

5 Considering the submissions made by the learned counsel for the Applicant and as Applicant Nos.1 and 2 have no source of income, the Applicant are entitled to withdraw some amount without security and remaining amount by furnishing bank guarantee of any nationalized bank.

6 Hence, the following order is passed:

a. The Applicant Nos.1 and 2 are entitled to withdraw 10% of the awarded amount with accrued interest, without furnishing any security but subject to outcome of the First Appeal.

b. The Applicant Nos.1 and 2 each are permitted to withdraw additional 15% of the awarded amount, by furnishing a bank guarantee of any Nationalized Bank which will be renewed till hearing and final disposal of the First Appeal.

c. The Tribunal is directed to invest the remaining amount in a fixed deposit of any Nationalized Bank, initially for a period of one year and same shall be renewed from time to time till further orders.

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

e. Civil Application stands disposed of accordingly.

(K.K.TATED, J.)