

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

**CIVIL APPLICATION NO.4149 OF 2018
IN
FIRST APPEAL NO.749 OF 2019**

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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Mr.Nikhil Mehta I/b M/s.KMC Legal Venture
for the applicant

Mr.Rajan S. Pawar for the respondent nos.1 to
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**CORAM : K. K. TATED, J
DATE : AUGUST 1, 2019**

P.C.:

. Heard.

2 By this Civil Application, Applicant original Claimant is seeking permission to withdraw the amount deposited by the appellant Insurance Company to satisfy the judgment and decree dated 28.09.2017 passed by MACT, Nashik in MACP No.1349 of 2014.

3 The learned counsel for the Applicant submits that the Applicant no.1 original Claimant no.1 lost her husband on 14.6.2014 in an accident which occurred on 12.06.2014. At that time, he was doing work as a Mason and getting sum of Rs.13,000/- per month. Hence, applicants original Claimants filed application for compensation and that was allowed by the Tribunal.

4 The learned counsel for the Applicant submits that Applicant is not keeping well. She was advised for operation. In support of this contention, the learned counsel for the applicant placed on record relevant documents, medical certificate issued by Dr.Sunil M.Shah and letter issued by Dr.Vasantrao Pawar Medical College Hospital & Research Centre.

5 Considering the submissions made by the learned counsel for the Applicant, the averments made in Civil Application and the documents on record, I am satisfied that the Applicant no.1 requires some amount for her medical treatment. Considering these facts, I am of the opinion that the Claimants have made out a case for allowing them to withdraw some amount without furnishing any security subject to outcome of the First Appeal. Hence,

following order is passed

- a. Claimant no.1, Pramila Deepak Charose is permitted to withdraw sum of Rs.3 lacs with accrued interest without furnishing any security, subject to outcome of the First Appeal.
- b. Claimant nos.5, Nivrutti Tukaram Charose and Claimant Nos.6, Gitabai Nivrutti Charose, parents of the deceased are entitled to withdraw Rs.50,000/- each with accrued interest, without furnishing any security, subject to outcome of the First Appeal.
- c. Tribunal is directed to invest the remaining amount in fixed deposit of any nationalized bank initially for a period of one year and same be continued till further orders.
- d. Liberty granted to the Claimants to prefer appropriate application for withdrawal of further amount, if they so desire, which will be decided on its own merits.
- e. Registry is directed to transfer the amount of Rs.25,000/- along with accrued interest deposited by the Appellant at the time of filing First Appeal to the account of MACT, Nashik in the account of MACP No.1349 of 2014.

- f. Civil Application stands disposed of accordingly.

(K.K.TATED, J.)