

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

**CIVIL APPLICATION NO.920 OF 2019
IN
FIRST APPEAL NO.699 OF 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.Jeenal Upadhyay i/b Mr.Rajesh S. Patil for
the applicant

Mr.Nikhil Mehta i/b M/s.KMC Legal Venture
for the respondent

**CORAM : K. K. TATED, J
DATE : APRIL 23, 2019**

P.C.:

. Heard.

2 By this Civil Application, Applicant original Claimant nos.1 and 2 seeks permission to withdraw the amount deposited by the Insurance Company in the Tribunal.

3 The learned counsel for the Applicant submits that in an accident which occurred on 15.7.2013 Applicant no.1 lost her husband and Applicant no.2 her father.

4 The learned counsel for the Applicant submits that Applicant is housewife. She has to maintain her minor daughter. Hence, she requires the amount deposited by the Insurance Company.

5 It is to be noted that in the present proceedings, Tribunal by its judgment and award dated 22.11.2017 awarded sum of Rs.27,58,000/- by way of compensation with 8% interest. Tribunal is directed to invest sum of Rs.12,00,000/- in fixed deposit in the name of minor and sum of Rs.4,00,000/- be paid to the Claimant no.2. Considering these facts, I am of the opinion that at present Claimant no.1 widow can withdraw sum of Rs.6,58,000 with accrued interest without furnishing any security subject to outcome of the First Appeal.

6 Considering the submissions made by the learned counsel for the Applicant and the averments made in the Application, I am satisfied that the Applicant has made out a case for allowing the present Civil Application. Hence, following order:

a) Applicant No.1 is entitled to withdraw sum of Rs.6,58,000/- with accrued interest without furnishing any security subject to outcome of the First Appeal.

b) Civil application stands disposed off accordingly.

c) No order as to costs.

(K.K.TATED, J.)