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

CIVIL APPLICATION NO.70 OF 2019
IN
FIRST APPEAL (ST.) NO.33370 OF 2017

Office Notes, Office Memoranda of Coram, Appearances, court's orders or directions and Registrar's orders	Court's or Judge's orders

Mr.V.A.Shastry for the applicant

Mr.S.M.Dange for the respondent

CORAM : K. K. TATED, J
DATE : AUGUST 14, 2019

P.C.:

. Heard.

2 By this Civil Application, Applicant original Claimants are seeking permission to withdraw the amount deposited by the Insurance Company under the judgment and award dated 4.7.2017 passed by MACT, Pune in MACP No.673 of 2014.

3 The learned counsel for the Applicant submits that Applicant no.1 is a widow.

Applicant no.2 is a minor daughter and Applicant nos.3 and 4 are parents of deceased. He submits that in an accident which occurred on 6.8.2014 Applicant no.1 lost her husband, Balaji Sopan Randive who was 26 years old. On that date, he was doing a job in Mojj Engineering System Limited, Bhosari. He was permanent employee. His monthly income was Rs.25,269/- and annual package was Rs.3,40,000/-. Hence, Applicants filed Application under section 166 of the Motor Vehicle Act for compensation. He submits that Tribunal after considering the evidence on record held that Claimants are entitled sum of Rs.59,36,350/- by way of compensation with interest @ 9% p.a.

4 The learned counsel for the Applicant submits that Applicant is housewife. She does not have any source of income. She has to maintain her minor daughter. Hence, she requires some amount for her day to day maintenance as well as to take care of her daughter. He further submits that Applicant nos.3 and 4 are parents. They also require amount deposited by Insurance Company. He submits that in the interest of justice, this Hon'ble court be pleased to allow the Applicant no.1, 3 and 4 to withdraw the amount

deposited by Insurance Company as per their share, as held by the Tribunal by impugned judgment and award.

5 On the other hand, the learned counsel for the Insurance Company submits that if entire amount is withdrawn by the Claimant, then nothing will survive in the present matter. He submits that Tribunal has awarded compensation on higher side. He further submits that they have good chance of success in the present proceeding. Therefore, there is no question of permitting Applicant original Claimant to withdraw the amount deposited by them in the Tribunal.

6 Heard.

7 It is to be noted that in the present proceeding, as the Tribunal directed respondents to invest 50% of compensation in the name of Applicant no.2 minor daughter for her day to day maintenance, Applicant no.1 mother can be permitted to withdraw quarterly interest on the said amount.

8 It is to be noted that in the present proceeding, Applicant no.1 widow lost her husband in an accident which occurred on 6.8.2014. On that date, he was 26 years old. He was earning nearabout Rs.25,269- per month and have annual package of Rs.3,40,000/-.

9 It is to be noted that Applicant no.1 have to maintain her minor daughter. Apart from that, Claimant nos.3 and 4 are parents of the deceased.

10 Considering these facts, and the reason disclosed by the Applicant in the Civil Application, I am satisfied that the Applicant has made out a case for partly allowing the Civil Application. Hence, following order is passed :

a. Applicant no.1, Trupti Balaji Randive is entitled to withdraw 20% of total compensation with accrued interest, Applicant no.3, Kerba Sopan Randive and and Applicant no.4, Shoba Kerba Randive is entitled to withdraw 5% each of total compensation with accrued interest without furnishing any security but subject to outcome of the First Appeal.

b. Claimant no.1, Trupti Balaji Randive is entitled to withdraw quarterly interest on the amount deposited in fixed deposit in the name of Applicant no.2 minor daughter for her welfare without furnishing any security but 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. Civil Application stands disposed of accordingly.

e. No order as to costs.

(K.K.TATED, J.)