

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Civil Application No.131/2019

in

First Appeal No.508/2017

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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Mrs. Sachi Lodha I/b. Arpit Solanki for the Applicant

Mr. A. P. Kulkarni for the Respondent

Mr. Rohan Sonawane I/b. Gaurav Parkar for Respondent No.3.

CORAM : K.K.TATED.J.

DATED : JUNE 24, 2019

P.C.

1 Heard. By this Civil Application, the Applicant is seeking permission to withdraw the amount deposited by the Appellant Insurance Co. to satisfy the judgment and award dated 01.03.2016 passed by the MACT, Mumbai in application No.2844/2012 holding that the Respondent-Claimants are entitled to compensation of Rs.22,83,000/- with interest @ 9% p.a.

2 The learned counsel for the Applicant submits that the Applicant is 72 years old. She does not have any source of income. Hence, she is in need of money deposited by the Insurance Co.

3 The learned counsel for the Appellant Insurance Co. submits that if entire amount is withdrawn by the claimant without any security, it would be very difficult for them to recover the same, if they succeed in the matter. Therefore, there is no question of allowing the present Civil Application.

4 Heard both sides at length. The claimant No.1 lost her husband in the accident. On the date of accident i.e. 18.07.2010 the deceased Sampatkumar Brijmohan Maroo was of 74 years. He was doing the business with the name and style M/s. Maroo Steel & Co. and earning Rs.6,77,275/- p.a.

5 It is to be noted that claimant No.2 Sunil Sampatkumar Maroo was 52 years old on the date of accident. He was doing his business. It is not brought on record that because of accident he lost his business.

6 Considering the submissions made by the learned counsel for the Applicant and the impugned judgment and award, I am satisfied that the Applicant has made out a case for allowing the Civil Application.

7 Hence, following order is passed:

- a. The Applicant No.1 Snehlata Sampatkumar Marro is entitled to withdraw 20% of the compensation amount with accrued interest without furnishing any security, but subject to outcome of the First Appeal.
- b. The Applicant No.1 Snehlata Sampatkumar Marro is entitled to withdraw further 20% of the compensation amount with accrued interest by furnishing solvent security to the satisfaction of the Trial Court on or before 30.09.2019.
- c. The application made by Applicant No.2 Sunil Sampatkumar Maroo is rejected.
- d. The Tribunal is directed to invest the remaining 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.
- e. The Civil Application stands disposed of accordingly. No order as to costs.

(K.K.TATED, J.)