

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

**CIVIL APPLICATION NO. 1321 OF 2019
IN
FIRST APPEAL NO. 1195 OF 2019**

Kamal Hanumant Gadadre .. Applicant

In the matter between:

The Divisional Manager,
The New India Assurance Co. Ltd. Akluj ... Appellant
V/s.

Kamal Gadadre & Ors. ..Respondents

Mr. Vaibahv Gaikwad for the Applicant.

Mr. Milind More, for the Respondent/Appellant.

CORAM : C.V. BHADANG, J.

**DATE : 17th DECEMBER, 2020
(THROUGH VIDEO CONFERENCING)**

P.C.

1. This is an application for withdrawal of amount of compensation. The applicant, along with Vikram Gadadre (now deceased) were the claimants before the Motor Accident Claims Tribunal, seeking compensation in respect of death of Hanumant Gadadre in a vehicular accident, which occurred on 29.11.2012.

2. The Motor Accident Claims Tribunal at Satara in Motor Accident Claim Petition No. 38 of 2013 by a Judgment and Award dated 01.10.2016 has granted a compensation of Rs.15,21,000/- along with interest at the rate of 7.5% per annum from the date of application till realisation. Both the claimants were held entitled to receive 50% of amount each.

3. The insurer has deposited Rs.18,95,652/- on 16.11.2017 before the Tribunal at Satara. The record shows that respondent No.2 (claimant No.2) Vikram Gadadre has since expired.

4. On hearing the learned counsel for the parties and perusal of record, I find that the sole applicant has not received any amount of compensation from the year 2012.

5. The learned counsel for the insurer has opposed the withdrawal. However, considering the aforesaid circumstances, I think the partial withdrawal can be allowed.

6. In such circumstances, the application is partly allowed.

7. The applicant is permitted to withdraw an amount of Rs.8,00,000/-(Rs. Eight lakhs only) from the amount of compensation deposited before the Motor Accident Claims Tribunal at Satara on proper identification, subject to the usual undertaking to bring back the amount along with interest, if so ordered by this Court.

8. The balance amount shall continue to stay invested in a fixed deposit with a nationalised bank.

9. Civil Application is disposed of with the aforesaid terms.

C.V. BHADANG, J.