

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

**CIVIL APPLICATION NO.3891 OF 2019
IN
FIRST APPEAL NO.17 OF 2019**

Nilam
Kamble

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Rekha Pawale

..Applicant/
Appellant

V/s

Reliance General Insurance Co.
(Original Appellant)

..Respondent

Mr.Yuvraj P. Narvankar for the Applicant/Appellant.

Mr.Rahul Mehta for the Respondent-Insurance Company.

CORAM : C.V. BHADANG, J.

DATE : 07th SEPTEMBER 2020

P.C.

1. This is an application for withdrawal of the amount of compensation.

2. The Motor Accident Claims Tribunal at Pune by judgment and award dated 31st July 2018 in MACP No.23 of 2016 has partly allowed, the claim and apportioned the compensation in the following terms:

“(a) The amount of Rs.17,91,700/- (Rs.Seventeen lakhs Ninety One thousand, Seven Hundred only) be

paid to applicant no.1 Smt.Rekha Dhiren Pawale by account payee cheques after due identification.

(b) The amount of Rs.5,00,000/- each (Rs. Five lakhs each) be paid to applicants no.4 and 5 i.e. Sau.Kusum Parshuram Pawale and Shri.Parshuram Dyanoba Pawale by account payee cheques after due identification.

(c) The amount of Rs.5,00,000/- each (Rs.Five lakhs each) be deposited in FDR in the name of applicant No.2 and 3 i.e. Aaditya Dhiren Pawale and Urmila Dhiren Pawale, till they attain majority, with any Nationalized Bank as per applicant No.1's choice."

2. The learned counsel for the applicant points out that the Insurance Company, in pursuance of the said award, has deposited an amount of Rs.46,42,393/- with the Tribunal at Pune. He submits that the applicant No.1 is the widow, applicant Nos.2 and 3 are the children while applicant Nos.4 and 5 are the parents of the deceased. He points out that the applicant No.2 has since attained majority.

3. On hearing the learned counsel for the applicant/claimants and Mr.Mehta, the learned counsel for

respondent No.2 and for the reasons mentioned, in the application the same is partly allowed, in the following terms :-

(i) The amount of Rs.5 lakhs shall be invested in the name of the respondent No.3 Urmila Dhiren Pawale with any Nationalized Bank for a period of three years.

(ii) The applicant No.1 shall be entitled to get quarterly interest on the deposit in the name of the applicant No.3 which shall be applied for the maintenance/welfare of minor Urmila Pawale.

(iii) An amount of Rs.5 lakhs shall be paid to the applicant Nos.4 and 5 on proper identification.

(iv) An amount of Rs.15 lakhs shall be paid to the applicant Nos.1 and 2 on proper identification.

(v) This shall be subject to the applicant Nos.1,2,4 and 5 filing an undertaking before the learned MACT, Pune, to bring back the amount, if so ordered by this Court.

(vi) The remaining amount shall be invested in a cumulative Fixed Deposit with any Nationalized Bank for a period of three years.

(vii) The Civil Application is disposed of in the aforesaid terms.

C.V. BHADANG, J.