

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

Sneha N.
Chavan

Digitally signed by
Sneha N. Chavan
Date: 2020.11.03
13:32:37 +0530

**CIVIL APPLICATION NO.2529 OF 2019
IN
FIRST APPEAL (ST) NO.1258 OF 2017**

Shikha Gopal Samant & Ors.	.. Applicants
<u>In the matter between</u>	
Royal Sundaram Alliance Ins. Co. Ltd.	.. Appellant
Vs.	
Shikha Gopal Samant & Ors.	.. Respondents

Mr. T.J. Mendon for the Applicants.
Mr. Nikhil Mehta i/by KMC Legal Venture for the Appellant.

**CORAM : C.V. BHADANG, J.
DATE : 2nd NOVEMBER, 2020
(Through Video Conference)**

P.C.

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

2. The Appellant/Insurance Company has deposited an amount of Rs.34,76,540/- before the Motor Accident Claims Tribunal at Alibaug. The Applicants are the legal representatives of Gopal Samant, who died in a vehicular accident, which occurred on 19th June, 2012. The Applicants have not received any amount till today.

3. On hearing the learned counsel for the parties, in my opinion, partial withdrawal can be allowed. Thus, the Applicants/Claimants are allowed to withdraw an amount of Rs.12,00,000/- (Rupees Twelve Lacs Only), out of the amount deposited before the Tribunal. The balance amount shall continue to stay invested in a nationalised bank.

This shall be subject to the Applicants furnishing the usual undertaking before the Tribunal to bring back the amount, alongwith reasonable interest, as may be directed by this Court.

4. The amount of Rs.25,000/- deposited before this Court alongwith interest, if any, shall be made over to the Motor Accident Claims Tribunal at Alibaug.

5. The Civil Application is disposed of in the aforesaid terms.

C.V. BHADANG, J.