

vai

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.1354 OF 2019
IN
FIRST APPEAL (STAMP) NO.1511 OF 2019

Chandrakala S. Jangam & Ors.

...Applicants

IN THE MATTER BETWEEN :

United Insurance Co. Ltd.

...Appellant

V/s.

Chandrakala S. Jangam & Ors.

...Respondents

Mr.Nitesh V. Bhutekar for the Appellant.

Mr.T.J. Mendon for the Applicants / Respondent Nos.2 to 6.

CORAM : R.D. DHANUKA, J.
DATE : 25TH FEBRUARY, 2020.

P.C. :-

1. By this civil application, the applicants (original respondent nos.2 to 6) have prayed for liberty to withdraw 50% of the amount deposited by the appellant. Heard learned counsel for the parties. The reasons for seeking withdrawal are set out in paragraphs 4 and 5 of the civil application. The reasons recorded are accepted.

2. The applicant nos.2 to 4 are minor children of the said deceased. Respondent Nos. 5 and 6 are allowed to withdraw 50% of the amount payable under the impugned judgment and award. It is

made clear that since the applicant nos.2 to 4 are minor, the withdrawal of the amount as directed in paragraph 2 of the operative part of the judgment and award dated 5th May, 2018 would apply in so far their share in the amount is concerned. 50% payable in favour of the said applicants shall be invested by the concerned MACT in the fixed deposit of a nationalized bank initially for a period of five years and thereafter for like period depending upon the pendency of the First Appeal or till they attain the age of majority whichever is earlier.

3. Mrs. Chandrakala S. Jangam, widow of the said deceased would be entitled to withdraw interest on such fixed deposit for the purpose of maintenance of the applicant nos.2 to 4 till they attain majority or till the First Appeal is finally disposed of, whichever is earlier. After attaining the age of 18, the applicant nos.2 to 4 would be liberty to withdraw said amount pursuant to this order. The applicant nos.5 and 6 are required to file an undertaking to that effect within four weeks from today with a copy to be served upon the appellant's advocate in advance. If an undertaking is not filed within the time prescribed, the order passed today permitting the applicants to withdraw the amount shall stand vacated without further reference to Court. The balance 50% of the amount shall be invested by the concerned M.A.C.T. in the similar manner if not so far invested by the concerned M.A.C.T.

4. The civil application is disposed of in aforesaid terms.

There shall be no order as to costs.

5. All parties as well as the Tribunal to act on the authenticated copy of this order.

(R.D. DHANUKA, J.)