IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

934 CIVIL APPLICATION NO.5551 OF 2021
IN FA/747/2020

MANISHA RADHESHYAM AGRAWAL AND ORS

VERSUS

THE RELIANCE GENERAL INSURANCE CO. LTD., THR ITS LEGAL OFFICER, AURANGABAD AND OTHERS

...

Mr. M.R. Deshmukh, Advocate for applicants

Mr. R.H. Dahat, Advocate for the respondent No.1

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CORAM : SMT. VIBHA KANKANWADI, J.

DATE : 23rd JUNE, 2021.

PER COURT :

1 Heard both sides.

2 Learned Advocate for the insurance company-appellant submits that the appeal is mainly on the ground of false involvement of the vehicle insured with it, that too, at a belated stage and also on the point of quantum.

3 At this stage, a competent Tribunal has assessed the evidence, that was led before it, and therefore, there is no hurdle in partial withdrawal. The claimants were held to be entitled to get amount of Rs.21,00,030/-

inclusive of amount of No Fault Liability. The No Fault Liability was also received and therefore the apportionment of Rs.20,500,30/- has been made. The two daughters and one son of the deceased have been granted compensation of Rs.2,00,000/- each with interest and proportionate costs of petition. It appears that claimant Nos.2 and 3 were minors at that time. If we make the calculation, original claimant No.2 might have attained the majority, but as regards claimant No.3 is concerned, in the present Civil Application her age has been shown as 18 years. The date of birth has not been given and the proper procedure appears to have not been adopted. Therefore, at the time of withdrawal, office of this Court to ensure where she has attained the majority or not and taking into consideration the fact that now they have attained the majority, from the apportioned amount to them, they are allowed to withdraw amount of Rs.1,00,000/- each. The amount, that has been deposited in this Court is Rs.27,54,800/- apart from statutory amount. The Tribunal had apportioned amount of Rs.14,50,030/- plus interest to the widow. Thereafter, amount of Rs.4,50,030/- was directed to be invested in Fixed Deposit in her name for a period of three years. Taking into consideration the safeguard, that is also required to be made in favour of the insurance company, the widow i.e. applicant No.1 is allowed to withdraw amount of Rs.16,00,000/-.

4 Civil Application stands disposed of accordingly.

(Smt. Vibha Kankanwadi, J.)

agd