

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

**MISC. CIVIL APPLICATION NO. 2297 OF 2019
IN
FIRST APPEAL NO.814 OF 2019**

Jaya Jagdish Aapte & Anr. ..Applicants

IN THE MATTER BETWEEN

Reliance General Insurance Co. Ltd. ..Appellant

V/s.

Jaya Jagdish Aapte & Ors. ..Respondents

Mr. Adwait A. Agashe i/b. Yuvraj Narvankar, for the Applicants.

**CORAM : C.V. BHADANG, J.
DATE : 8th JANUARY, 2021**

P.C.

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

2. The applicants are the parents of Rajeshree Aapte, who died in a vehicular accident at the young age of 25 years. The Motor Accident Claims Tribunal (MACT) at Pune has awarded a compensation of Rs.33,69,400/- alongwith interest at the rate of 7% per annum from the date of petition till realization.

3. The learned counsel for the applicants points out that in pursuance of the order dated 19/12/2018 passed by this Court in Civil Application No.4491/2018, the respondent No.1 (original appellant) has deposited an amount of Rs.40,92,440/- with the Tribunal on 29/1/2019. He submits that since the date of the accident i.e. 15/10/2015, the applicants have not received any amount.

4. None appears for the respondent.

5. I have considered the circumstances and the submissions made.

6. The applicants have lost their young daughter in a vehicular accident on 15/10/2015 and they are yet to receive any amount, as claimed on behalf of the applicants. Considering the over all circumstances, I find that a partial withdrawal of Rs.15 Lakhs can be allowed.

7. In the result, the following order is passed.

ORDER

1. The applicants are permitted to withdraw Rs.15,00,000/- (Rupees Fifteen Lakhs Only) from out of the amount deposited before the MACT at Pune, on proper identification.

2. It shall be subject to the applicants furnishing usual undertaking before the Tribunal, to bring back the amount, alongwith reasonable interest, if so directed by this Court.

3. The balance amount shall continue to stay invested in a Fixed Deposit, with any Nationalised Bank.

4. The Civil Application is disposed of, in the aforesaid terms.

C.V. BHADANG, J.