

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

**INTERIM APPLICATION NO. 1010 OF 2021
IN
FIRST APPEAL NO. 48 OF 2019**

Mohan Gajanan Pradhan And Ors. ..Applicants

v/s.

National Insurance Co. Ltd. & Ors. ..Respondents

Mr. T.J.Mendon for the Applicant/s.
Ms. Ruchika Dave for the Respondent.

**CORAM : ANUJA PRABHUDESSAI, J.
DATED : JUNE 23, 2021.**

P.C.

1. The Applicants herein, who are the original Claimants have filed this Application for withdrawal of compensation deposited by the Appellant Insurance Company, as per the Order dated 04.07.2015 in Motor Accident Claim Petition No.490 of 2011.

2. By the impugned judgment and award, the Claims Tribunal has awarded compensation of Rs.63,64,000/- with interest at the rate of 7.5% per annum. By order dated 04.07.2018, this Court had permitted the Applicant No.1, father of the deceased to

withdraw a sum of Rs.5,00,000/- and the Applicant No.2, mother of the deceased to withdraw an amount of Rs.10,00,000/- . No permission was granted to the Applicant No.3, brother of the deceased to withdraw any amount. Liberty was granted to the Applicant Nos.1 and 2 to apply to the Court for withdrawal of further amount after two years, in case of hard pressing needs. In view of the said liberty given, the Applicants have now sought withdrawal of further amount.

3. I have perused the records. Having considered the grounds raised in the appeal memo which are restricted mainly to the quantum of compensation, and the reasons stated in the application, in my considered view, the Applicant nos.1 and 2 are entitled to withdraw further amount to the tune of Rs.10,00,000/- (Rupees Ten lakhs Only) each with proportionate interest accrued thereon. Suffice it to say that the withdrawal is subject to final outcome of the appeal.

4. The Applicants shall furnish an undertaking before the tribunal that they will abide by the final orders that may be passed in this appeal.

5. The MACT, to re-invest the balance amount in the names of

the respective Applicants, in any nationalized bank after making the payment as stated above.

6. Application stands disposed of.

7. The Appeal and the Cross Objection be listed for admission on 26.07.2021.

8. It is stated that compilation is already filed. Parties are put to notice that an endeavor will be made to dispose of the appeal at the stage of admission.

(ANUJA PRABHUDESSAI, J.)