Chitra Sonawane

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.3794 OF 2019
IN
FIRST APPEAL NO.1384 OF 2015

Naziya Umar Farukh Sayyad & Ors.] … Applicants.

IN THE MATTER BETWEEN:
The New India Insurance Co.Ltd.] … Appellant.
Vs.
Naziya Umar Farukh Sayyad & Ors.] …. Respondents.

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Mr.Shailesh D. Chavan, for applicant in CAF no.3794/2019 and for respondents in FA no.1384/2015.

Mr.D.R.Mahadik for respondents in CAF 3794/2019 and for appellant in FA no.1384/2015.

CORAM : PRITHVIRAJ K. CHAVAN, J.

DATED : 12TH FEBRUARY, 2021.

P.C.

1. Not on board. Upon mentioning taken on board.

2. This is an application for withdrawal of an amount of compensation awarded by the Chairman, M.A.C.T., Satara. The Insurer has deposited an amount of Rs.35,55,361/- with interest in M.A.C.T., Satara. The applicants seek to withdraw the entire amount for meeting their day to day expenses as well as educational expenses of applicant Nos.2,3 and 4 who are prosecuting their studies in 12th, 10th and 9th standards

respectively.

3. Learned Counsel for the insurer strongly opposed withdrawal of entire amount by contending that, the amount of compensation awarded by the Chairman is at higher side ignoring the ratio laid down by the Hon'ble Supreme Court in the case of ***National Insurance Company Limited Vs. Pranay Sethi and Others, 2017 ACJ, 2700 .*** Having considered respective submissions, at this stage, the applicants are permitted to withdraw 35% of compensation amount with accrued interest. The applicant shall give an Undertaking at the time of withdrawal that in case, the appeal is allowed, they shall refund the entire amount with interest as per the outcome of appeal.

4. If the appellants fail to give Undertaking at the time of withdrawal of amount, M.A.C.T., Satara shall invest the amount in a Fixed Deposit in any Nationalized Bank for a period of one year and thereafter for one more year after obtaining order from this Court.

5. Application is disposed of.

(PRITHVIRAJ K. CHAVAN, J.)