

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

**INTERIM APPLICATION NO. 939 OF 2019
(FOR WITHDRAWAL OF AMOUNT)
IN
FIRST APPEAL (ST.) NO. 36719 OF 2017**

Smt. Vandana Manoj @ Lahu
Gaikwad and Ors.

.....Applicants

IN THE MATTER BETWEEN :

National Insurance Company Ltd.
Through Mumbai Regional Office-III **....Appellant**

V/s.

Vandana Manoj @ Lahu Gaikwad
and Ors.

....Respondents

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Mr. Anvil S. Kalekar, Advocate for the applicant in IA-
939/2019.

Ms. S.S. Dwivedi (orig. appellant/respondent)

CORAM : SANDEEP K. SHINDE, J.

Friday, 30th April, 2021.
(through Video Conference)

P.C. :

1. Applicants are the respondents in the subject
First Appeal. They were granted compensation in

M.A.C.P. No. 49/2015 and the Award was drawn. Appellant-Insurance Company in satisfaction of the Award, deposited Rs.22,89,325/- with M.A.C.T., Solapur.

2. Applicant no.1 is widow, applicant no.2 is daughter and applicant no.3 is mother of Manoj Gaikwad who died in the vehicular accident.

3. Applicants seek leave to withdraw 50% of the compensation amount. The application is opposed by the learned Counsel for the respondents.

4. In view of the fact that, applicants do not have independent source of income and the instant Appeal is not likely to be heard in short time, I am permitting applicants to withdraw Rs.12,00,000/-.

5. The Member, M.A.C.T. shall ensure, Rs.12,00,000/- are paid/disbursed to the applicants in the following manner :

- (i) Vandana Manoj @ Lahu Gaikwad, applicant no.1 -
@ Rs.4,00,000/-

(ii) Vaijaintimala Manoj Gaikwad, applicant no.2- @

Rs.4,00,000/-

(iii) Gangabai Suresh Gaikwad, applicant no.3- @

Rs.4,00,000/-.

6. Vaijaintimala - applicant no.2 being minor, Learned Member shall pay Rs.1,00,000/- out of Rs.4,00,000/- on her behalf to mother and balance Rs.3,00,000/- shall be invested in the Fixed Deposit with any Nationalised Bank, initially for the period of three years and thereafter to be renewed from time to time. However, applicant no.1 being the mother and guardian of applicant no.2, is permitted to withdraw the interest accrued on such fixed deposit, to meet education cost, of Vaijaintimala, at the interval of six months.

7. The Learned Member, M.A.C.T. Solapur shall act, on authenticated copy of this order and ensure that the amount is disbursed to the applicants, as expeditiously as

possible, and preferably within four weeks from today, against usual Undertaking.

8. The application is allowed and disposed of in the aforesaid terms.

(Sandeep K. Shinde, J.)