

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

Civil Application (F) No.1487/2020 in First Appeal
No.321/2020

(National Ins. Com. Ltd V Mrs. Rajeshwari Wanjari and others)

Office Notes, Office Memoranda of Coram,
orders
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's

Ms Anita Mategaonkar, Adv for appellant.
Shri P.S. Mirache, Adv for resp. nos.1 to 3.

CORAM : S.M. MODAK, J.

DATE : 25-03-2021

Heard learned Advocate Shri Mirache for respondent nos. 1 to 3/original claimants and learned Advocate Ms Mategaonkar for the appellant-Insurance Company.

2. The respondent no.1 is the mother, respondent no.2 is the minor son and respondent no.3 is the mother of the deceased. The deceased claims to be a Diploma holder and he died during the vehicular accident. The respondent no.3 has produced salary certificate of deceased that he was earning Rs. 42,000/- per month and considering the pros and cons, the Tribunal was pleased to accept his salary to the tune of Rs. 10,000/- per month.

3. There is a challenge to the percentage of future prospects applied by the Tribunal considering the age group apart from other grounds.

4. The Tribunal has also bifurcated the amount in between these respondents. The respondent no.1 being a mother is shouldering responsibility of respondent no.2-minor son that is why she is in need of finance.

5. I think the entire amount cannot be permitted to be withdrawn.

6. The respondent no.2 is the minor son and he is being looked after by respondent no.1-mother. Instead of permitting to withdraw the amount he can be paid the interest from the every amount. At the same time, respondent no.3 can be permitted to withdraw Rs. 1,00,000/- and respondent no.1 can be permitted to withdraw 50% of the amount. Hence, the following directions.

DIRECTIONS

- (a) The application is partly allowed.
- (b) The office is directed to transfer 50% of the amount in the accounts of respondent no.1 and respondent no.3 each on furnishing bank details and personal identification.
- (c) The respondent nos. 1 and 3 are directed to furnish an undertaking that they will return the amount if the decision will go against them.
- (d) 50% of the amount ordered by the Tribunal be paid to respondent nos. 1 and 3.
- (e) The office is directed to transfer the amount of interest on fixed deposit of Rs. 4 lakh in the bank account of respondent no.1 being the natural guardian of respondent no.2.

(S.M. Modak, J.)