

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

Civil Application [CAF] No.72 of 2021
in
First Appeal No.493 of 2018 (D)

The New India Assurance Co. Ltd.

vs.

Smt. Savita wd/o Gunwanta Shete & others

 Office notes, Office Memoranda of
 Coram, appearances, Court's orders
 or directions and Registrar's orders.

Court's or Judge's Orders

Shri S.K. Bhoyar, Advocate for the Applicant/Respondent Nos.1 to 3.
Shri M.B. Joshi, Advocate for the Appellant.

CORAM : SMT. ANUJA PRABHUDESSAI, J.
DATE : 27th JANUARY, 2021.

The applicants-respondent Nos.1 to 3 have sought to withdraw the amount deposited by the appellant-Insurance Company as per the judgment and award, dated 30/11/2016 passed in M.A.C.P. No.26/2015. By the said judgment and award, the appellant-Insurance Company along with the driver and owner of the offending vehicle were directed to pay an amount of Rs.11,03,500/- to these applicants and to Kausalyabai Shete and Bapujrao Shete i.e. non-applicant Nos.4 & 5 respectively, in the claim petition. The appeal against the said judgment has been dismissed and the Insurance Company has deposited the amount as per the award.

02] It is stated that non-applicant Nos.4 & 5 have expired. An affidavit has been filed stating that there are no other legal representatives other than applicant Nos.1 to 3.

03] Under the circumstances, an amount of Rs.3,31,050/-, which is equivalent to 30% of the compensation deposited by the Insurance Company along with proportionate interest accrued thereon is ordered to be paid to applicant No.1, the widow of the deceased. An amount of Rs.3,86,225/- each, which is equivalent to 35% of the total amount of compensation with proportionate interest accrued thereon is ordered to be invested in any nationalized bank under fixed deposits in the name of each of applicant Nos.2 & 3 respectively initially for a period of six years with further renewal till the period they attain the age of majority. Applicant No.1 will be at liberty to withdraw the interest accrued on the said fixed deposits.

04] The application stands disposed of accordingly.

JUDGE

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