

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

***INTERIM APPLICATION NO.1317 OF 2020
IN
FIRST APPEAL NO.656 OF 2005***

Mrs. Raziya Shakeel Ahmed @
Raziya Bano Jalil Ahmed ...Applicant

IN THE MATTER BETWEEN

Mr. Shaikh Abdullah Shaikh Nasir & Anr. ...Appellants
Vs
Petrogold Pvt. Ltd. & Ors. ...Respondents

...

None for the applicant.
Mrs. S.V.Sonawane for the Appellants.
Mr. Balkrishna Menon for R.No.2 in FA 656/2005.

CORAM : SANDEEP K. SHINDE J.
DATE : FEBRUARY 11, 2022.
(Through Video Conferencing)

P.C. :

None appears for the applicant. Heard Ms. Sonawane,
learned counsel for the appellants (Original Claimants).

2 Claimants, in Motor Accident Claim Petition No.776 of
2000, have preferred this First Appeal seeking enhancement of the

compensation awarded in the said claim petition. Applicant in Interim Application No.1317 of 2020 is widow of deceased; whereas, the appellants are his parents. By this application, applicant seeks withdrawal of the entire amount deposited by the Insurance Company pursuant to the judgment and award dated 13th January, 2004 passed by the Motor Accident Claims Tribunal, Nashik.

3 Tribunal apportioned the compensation and awarded to applicant Rs.30,000/- with interest accrued thereon and thus, she cannot seek withdrawal of the entire compensation amount.

4 For all that reasons, application is dismissed.

5 It is made clear that if the applicant has not withdrawn her share, she may withdraw it as per the award dated 13th January, 2004 in the Motor Accident Claim Petition No.776 of 2000.

6 Application is disposed of in aforesaid terms.

7 List the First Appeal for final hearing in a week commencing from 25th April, 2022.

(SANDEEP K. SHINDE, J.)