

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

INTERIM APPLICATION NO. 3023 OF 2022  
IN  
FIRST APPEAL NO. 1657 OF 2019

Shri Mahadev Babu Toraskar & Ors. ..Applicants

**In the matter between**

New India Assurance Co. Ltd. ..Appellant

v/s.

Shri Mahadev Babu Toraskar & Ors. ..Respondents

Mr. Rajesh Kanojia a/w. Nikita Singh i/b. Res Juris for the Appellant.  
Ms. Rina Kundu for the Respondent Nos.1 to 4/ Applicants.

**CORAM : ANUJA PRABHUDESSAI, J.  
DATED : 16<sup>th</sup> JUNE, 2022.**

**P.C.**

1. The Applicants have filed this application, seeking withdrawal of the compensation deposited by the Appellant Insurance Company as per the Judgment and Award dated 03.05.2018 passed by the of the Claims Tribunal in MACP No. 535 of 2017 filed under Section 166 of Motor Vehicles Act.

2. The Applicants, who are the original claimants had filed a petition under Section 166 of the Motor Vehicles Act in view of accidental death of Janvi Janardhan Toraskar, daughter-in-law of Applicant Nos.1 and 2 and mother of Applicant Nos.3 and 4. By the impugned judgment, the Claims Tribunal has awarded total compensation of Rs.23,99,600 with

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interest @ 8% per annum from the date of petition till realization.

3. By order dated 10.04.2019 this Court permitted the Applicant Nos.1 and 2, the father-in-law and mother-in-law of the deceased Janvi to withdraw compensation of Rs.1,00,000/- each with proportionate interest accrued thereon. Liberty was granted to the Applicants to file appropriate application for withdrawal of the further amount in view of which the Applicants have filed the second application for withdrawal of the balance amount.

4. The records reveal that the Applicant Nos.1 and 2 are the in laws of the deceased, whereas the Applicant nos.3 and 4 are the minor children, who have lost both their parents in the said accident. The Applicants would need money to meet the educational and other expenses of the minor children. Hence, the Applicant Nos.1 and 2 are allowed to withdraw further compensation of Rs.4,00,000/- with proportionate interest accrued thereon. The balance amount be invested in the names of the Respondent Nos.3 and 4 in Fixed Deposit in any Nationalized bank, until further orders.

5. Civil application stands disposed of.

**(ANUJA PRABHUDESSAI, J.)**