

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

973 CIVIL APPLICATION NO.9835 OF 2023
IN FA/8/2023 WITH CA/169/2023 IN FA/8/2023

JYOTI PRAKASH JADHAV AND ANR
VERSUS
ICICI LOMBARD GENERAL INSURANCE CO LTD THROUGH ITS MANAGER
AND ANR

...
Advocate for Applicants : Mr. Shah Mohit S.
Advocate for Respondent 1 : Mr. A.G. Choudhari
Advocate for Respondent 2 : Mr. P.B. Patil (Borse)

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CORAM : ARUN R. PEDNEKER, J.
DATED : 22/08/2023

PER COURT :

1. Heard the learned counsel for the respective parties.
2. The Insurance Company has filed the present appeal against the order of Tribunal dated 21.9.2022, granting compensation, which is as under :-

“(a) The petition is partly allowed with costs.

(b) Respondent Nos. 1 and 2 jointly and severally do pay Rs.96,13,465/- (Rupees Ninety Six Lakh, Thirteen Thousand, Four Hundred, Sixty Five only) to the applicant Nos. 1 and 2 inclusive of No Fault Liability compensation, along with interest @ 6% per annum from the date of petition i.e. from 14.11.2018 till realization.

(c) As per the directions of The Hon’ble Supreme Court in Writ Petition (Civil) No. 534/2020 dated 16.03.2021 and the judgment of Hon’ble Madras High Court in Civil Misc. Appeal No. 428/2016, the respondent No. 2 insurance company is hereby directed to deposit the above said awarded amount in the following saving bank account of this Tribunal.

i) Name of Account	THE MEMBER, ACCIDENT	MOTOR CLAIMS
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	TRIBUNAL, DHULE.
ii) Bank Name	State Bank of India, Treasury Branch, Dhule.
iii) Type Account	Saving Account.
iv) Account No.	40709171826
v) IFSC Code	SBIN0008254
VI) MICR Code	424002955

(d) After making such deposit, the Insurance company shall also send a copy of the payment advice in the prescribed format as provided to the insurance company, to this Tribunal and also serve its copy on the claimant.

(e) Applicants to furnish following individual details on separate sheets along with the photocopy of first page of their bank passbook containing photograph of the applicants and PAN Card, (if any);

(f) Applicants to remain present in person for their personal verification at the time of furnishing the above said information.

(g) On depositing the entire compensation amount in the Tribunal, an amount of Rs.56,13,465/- be paid to the applicant No. 1 and the amount of Rs.40,00,000/- be paid to applicant No. 2, by transferring the same in their accounts, as per the directions of the Hon'ble Supreme Court of India in Writ Petition Civil No. 534/2020.

(h) Applicant No. 1 is directed to invest an amount of Rs.10,00,000/- out of her share, in FDR in her name, in any nationalized bank of her choice for a period of five years. So also, she is directed to invest the entire amount falling to the share of minor applicant No. 2 in FDR in the name of applicant No. 2, under her guardianship, in any nationalized bank of her choice, till attaining majority by applicant No.2. The applicant No. 1 shall be entitled to receive quarterly interest on the amounts under such FDR for maintenance of applicant No. 2.

(i) Applicant No. 1 is further directed to place on record the proof of investments as above along with original fixed

deposit certificate for verification, under her affidavit within fifteen days from the date of investment.

(j) Award be drawn up accordingly.”

3. The Insurance Company has deposited entire amount under the judgment and award. The present civil application is filed for withdrawal of amount deposited in this Court.

4. Considering the totality in to the facts and situation of this case, the applicant Nos. 1 and 2 are permitted to withdraw 25% amount deposited in this Court along with the accrued interest thereon on usual terms and conditions.

5. Rest of the amount shall be kept in FDR on yearly basis.

6. Liberty to move the parties as and when need arises.

7. In view of the above, Civil Application is disposed of.

8. Appeal is **admitted**.

9. Respective learned counsel appearing for respondents waive service of notice.

[ARUN R. PEDNEKER J.]

ssc/