

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
INTERIM APPLICATION No. 19219 OF 2022
IN
FIRST APPEAL No. 733 OF 2022

Nita Shanteelal Gandhi and Ors. ...Applicants

In the matter between

SBI General Insurance Co. Ltd., Mumbai ...Appellant

Vs.

Smt. Nita Shanteelal Gandhi and Ors. ...Respondents

Ms. Varsha Chavan for Applicants (Org. Respondents in Appeal)

Mr. R.S. Vidyarthi a/w. Ishita Bhole a/w. Parth Parikh i/b. S.S. Vidyarthi for Appellant

CORAM : SANDEEP K. SHINDE, J.

THURSDAY 5TH JANUARY, 2023

P.C. :

1. Mr. Shanteelal Gandhi died in vehicular collision on 15th July, 2013. Whereafter, in application No.1694/2013 for compensation moved by the claimants of the deceased, Motor Accident Claim Tribunal, Mumbai directed the Opponents to pay sum of Rs.46,92,000/- inclusive of no fault liability (NFL) to the Applicants along with interest @ 5% p.a.

from the date of filing of application till realization by Judgment and Award dated 10th December, 2021. The said Award is challenged by the Insurance Company.

2. Pending Appeal, Appellant-Insurance Company deposited the compensation in the Claim Tribunal.

3. The Applicants are seeking leave to withdraw the said amount.

4. Heard learned counsel for the parties.

5. In consideration of the fact, that sole bread winner, died in the accident way back in the year, 2013 and in view of the advanced age of the parents of the deceased, I am inclined to allow the Applicants to withdraw Rs.25,00,000/- on furnishing usual undertaking to the Claim Tribunal, Mumbai.

6. The Learned Member shall disburse Rs.25,00,000/- to the Applicants in MACT Application No. 1694 of 2013 in the following manner:

(i) Rs.2,00,000 each to the original Applicant Nos.2 to 5;
and

(ii) remaining amount to Respondent No.1;

(iii) Balance amount after disbursement shall be reinvested in fixed deposit in Nationalized Bank, in the name of Applicant No.1.

4. Interim Application No.19219 of 2022 is partly allowed and disposed of.

5. All to act on an authenticated copy of this order.

(SANDEEP K. SHINDE, J.)