



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

INTERIM APPLICATION NO.337 OF 2023

IN

FIRST APPEAL NO.1287 OF 2018

Sindhu Gajanan Thakare and Ors. ...Applicants.

In the matter of-
United India Assurance Co. Ltd. ...Appellant

Versus

Sindhu Gajanan Thakare and Ors. ...Respondents

...

Ms Dhanashree Padwal i/b. Mr. Suresh Padwal for the Applicants.

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATED: 28th AUGUST, 2023.

P. C. :-

1. The Applicants herein seek withdrawal of the compensation determined by this Court by order dated 17/10/2018 in First Appeal (Stamp) No. 5576 of 2015.

2. Applicant No.1 is the mother and Applicant Nos.2 and 3 are the brothers of the deceased -Sachin Thakare, who expired in a motor vehicular accident on 01/05/2011. In Claim Petition No.1313 of 2011 filed by the Applicants under Section 166 of the Motor

Vehicles Act, 1988, the Tribunal awarded compensation of Rs.12,94,000/- with interest @ 7.5% p.a. from the date of the application till final realization. The Appellant -Insurance Company challenged the said judgment and award in First Appeal (Stamp) No.5576 of 2015. By order dated 17/10/2018 this Court reduced the compensation from Rs.12,94,000/- to Rs.9,88,000/-, which was payable with interest @ 7.5% p.a. from the date of the application till final realization.

3. It is stated that the Appellant-Insurance Company has deposited the compensation as per the judgment of the Claims Tribunal. Since the appeal is now disposed of and that there is no challenge to the order dated 17/10/2018, the Applicants, who are the original Claimants are entitled to withdraw compensation of Rs.9,88,000/- with interest @ 7.5% p.a. from the date of the application till final realization. Since the Applicant Nos.2 and 3 are the siblings of the deceased, compensation of Rs.2,00,000/- with proportionate interest thereon be paid to Respondent Nos.2 and 3 and balance amount of Rs.5,88,000/- with proportionate interest accrued thereon be paid to Applicant No.1. Balance amount with interest be refunded to the Appellant-Insurance Company.

4. Application stands disposed of.

(SMT. ANUJA PRABHUDESSAI, J.)