

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
INTERIM APPLICATION NO.19974 OF 2022
IN
FIRST APPEAL NO.1096 OF 2002

Smt. Sulochana Balashiram Daftray and Anr.Applicants
V/s.

The New India Assurance Co. Ltd. and Anr.Respondents

Ms. Kiran Yadav i/by Mr. Avinash Gokhale, Advocates for
the applicants.

None for the respondents.

CORAM : SANDEEP K. SHINDE, J.

WEDNESDAY 4th JANUARY, 2023

P.C. :

1. One Balashiram Gajaba Daftray met with vehicular
accident on 2nd March, 1992. In Motor Accident Claims
Application No.488 of 1994, made by the defendants/heirs of

the deceased Balashiram, Member, Motor Accident Claims Tribunal, Thane directed respondents therein to pay an amount of Rs.1,12,000/- as compensation with interest @ 9% p.a. by the judgment and award dated 27th March, 2002. Pending Appeal, the New India Assurance Company Limited deposited compensation amount with the Motor Accident Claims Tribunal, Thane. Applicants seek withdrawal of same.

2. Heard learned counsel for the applicants/original claimants. None appears for the Appellant-Insurance Company.

3. In consideration of the facts and in particular, that accident had taken place in 1992 and some of the applicants now being senior citizens, I am inclined to allow applicants to

withdraw 75% of the amount of compensation deposited with interest accrued thereon till 31st December, 2022. The said amount shall be paid against the Undertaking that in case, the appellants succeed in the appeal, applicants shall bring back the money with interest as may be directed.

4 Application is allowed and disposed of in aforesaid terms.

(SANDEEP K. SHINDE, J.)