

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

***CIVIL APPLICATION NO.96 OF 2022
IN
FIRST APPEAL (ST) NO.17278 OF 2016
WITH
CIVIL APPLICATION NO.3421 OF 2016
WITH
CIVIL APPLICATION NO.3422 OF 2016***

Smt. Seema @ Suvarna Lalit Pund
and Ors.

...Applicants

Vs

National Insurance Company Limited
Thane Divisional Office

...Respondent

Ms. Varsha Nichani for the Applicants in CAF 96/2022.

Ms. Poonam Mital for Applicant in CAF 3421/16 and CAF
3422/16 and for Respondent in CAF 96/22.

CORAM : SANDEEP K. SHINDE J.

DATE : JANUARY 9, 2023.

P.C. :

CIVIL APPLICATION NO.96 OF 2022

Claimants in Motor Accident Claims Petition No.57
of 2014 are seeking leave to withdraw the compensation amount
deposited by the Appellants-Insurance Company pursuant to the
award dated 2nd January, 2016 passed therein by the Motor
Accident Claims Tribunal, Vasai. Claimants, are widow and son

of the deceased. Deceased met with an accident on 27th July, 2014, Appellants have deposited Rs.17,93,000/- (Approximately).

In consideration of the facts of the case and in particular that accident had taken place in July, 2014 and the claimant no.1 being the house-wife, I am inclined to allow claimants to withdraw Rs.10 Lakhs on furnishing Undertaking that in case, appellants succeed in the appeal, claimants shall bring back the money with interest. Remaining amount shall be invested in fixed deposit of any nationalised bank initially for a period of two years and thereafter to be renewed from time to time.

2 Application is allowed in above terms.

3 All parties to act on an authenticated copy of this order.

(SANDEEP K. SHINDE, J.)