

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 12583 OF 2024
IN
FIRST APPEAL NO. 746 OF 2024

Smt. Varsha Navnath Shukla and Ors. ... Applicants

In the matter between :-

Oriental Insurance Co. Ltd. ... Appellant

vs.

Smt. Varsha Navnath Shukla and Ors. ... Respondents

Adv. T. J. Mendon :-	Advocate for Applicants.
Adv. Sudhakar Pandaram i/b. Adv. Alok Bhatt :-	Advocate for Respondent.

CORAM : S. M. MODAK, J.

DATE : 13th SEPTEMBER 2024

P. C. :-

1. Heard learned Advocate for Insurance Company / Appellant and learned Advocate Mr. Mendon for Respondent Nos. 1 to 6. Respondent Nos. 2, 3 and 4 are minors. This is a death claim. Amount is deposited alongwith interest before the Motor Accident Claim

Tribunal. Learned Advocate for Appellant very humbly and politely invited my attention to the observations of the Tribunal in paragraph No. 17. The issue was whether the deceased was Cleaner or Driver. Finally it was held that he was Cleaner. My attention is also invited to paragraph Nos. 18 to 22. Point raised is - it is doubtful whether the deceased was getting salary of Rs.8,000/- (Rupees Eight Thousand only). The Appeal is merely on the ground of quantum. So the Respondent Nos. 1, 5 and 6 can be permitted to withdraw 75% amount. Let the amount continue to remain in the name of minor Respondent Nos. 2, 3 and 4 until they attains majority. Hence the order :-

ORDER

- (i) Respondent Nos. 1, 5 and 6 are permitted to withdraw 75% of the deposited amount alongwith interest as per the apportionment done by the Tribunal on furnishing usual undertaking.
 - (ii) The amount continue to remain in the name of minor Respondent Nos. 2, 3 and 4 until they attains majority.
2. Interim Application is disposed of.

[S. M. MODAK, J.]