

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

**CIVIL APPLICATION NO. 217 OF 2017
IN
FIRST APPEAL (ST.) NO. 26830 OF 2016**

IFFCO TOKIO GIC Ltd. ...Applicant

Versus

Rashmi Rajendra Jadhav & Anr. ...Respondents

**WITH
CIVIL APPLICATION (ST.) NO. 34335 OF 2017
IN
FIRST APPEAL (ST.) NO. 26830 OF 2016**

Rashmi Rajendra Jadhav & Anr. ...Applicants

Versus

IFFCO TOKIO GIC Ltd. ...Respondent

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Ms.Varsha Chavan for the Original Appellant in FA and the Applicant in CAF No. 217 of 2017.

Mr.Harshawardhan Salgaokar for the Applicants in CAF (St.) No. 34335 of 2017.

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**CORAM: MRS.MRIDULA BHATKAR, J.
DATE : DECEMBER 13, 2017**

P.C.:

CIVIL APPLICATION NO. 217 OF 2017

1. The learned counsel for the applicant submitted that there is a delay of 49 days in filing the Appeal and hence the delay be condoned.

2. Learned counsel for the respondents/original claimants, who are main contesting parties, is present and submits to the order passed by this Court.
3. In view of uncontroverted submissions and the reasons mentioned in the Civil Application, delay of 49 days is condoned.
4. Civil Application is allowed and is disposed of accordingly.
5. First Appeal be registered.

CIVIL APPLICATION (ST.) NO. 34335 OF 2017

6. This Application is moved by the applicants/original claimants for withdrawal of an amount of Rs. 17,54,000/- along with interest @ 6% p.a. deposited by the insurance company/original appellant pursuant to the judgment and award dated 28th April, 2016 passed by the Motor Accident Claims Tribunal, Ratnagiri in M.A.C.P. No. 29 of 2013. The tribunal has also awarded the compensation of Rs. 1,06,000/- to the claimant Reshma Jadhav.
7. The learned counsel for the applicants submitted that it is a death claim. The applicants are widow, three children and mother of the deceased. He has further submitted that the applicants need money for survival.

8. The learned counsel for the appellant/insurance company submitted that the driver of the offending vehicle was having a fake licence. She submitted that the insurance company has good case against the order of award.

9. Considering the facts of the case and the submissions, the applicants are allowed to withdraw 50% of the amount of compensation along with interest accrued thereon as per their entitlement on an usual undertaking. The remaining amount is to be deposited in the fixed deposit in any nationalized bank.

10. Civil Application is allowed and is accordingly disposed of.

(MRIDULA BHATKAR, J.)