

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

**CIVIL APPLICATION NO.2975 OF 2014
IN
FIRST APPEAL NO.1467 OF 2011**

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders.
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Mr. V.M.Parkar for the applicant

Ms.Yogita Deshmukh i/b Mr.M.M.Sathaye for the respondent

CORAM : K.K.TATED, J.
DATED : 25/02/2015

PC:

- 1 Heard the learned counsel for the parties.
- 2 This application is preferred by claimant for withdrawal of the amount deposited by the Insurance Company in the Tribunal.
- 3 The learned counsel for the applicant submits that in an accident which occurred on 9.12.2005, the applicant no.1 lost her husband, applicant nos.2 and 6 are the sons of the deceased and applicant nos.3 to 5 are the daughters.
- 4 The learned counsel for the applicant submits that because of death of applicant no.1's husband,

it will be very difficult for her to maintain her children. He submits that there is no source of income for the applicant. He submits that after the death of applicant no.1's husband because of financial difficulty she was not able to provide education to her children and as on today they are unemployed. He further submits that applicant no.1 is doing job of house maid. She is not getting adequate income from the said job. Therefore this Hon'ble Court be pleased to allow the applicant to withdraw some amount during the pendency of the present First Appeal.

5 On the other hand, the learned counsel for the Insurance Company vehemently opposed the present Civil Application. She submits that if entire amount is withdrawn by the claimant without furnishing any security, nothing will survive in the First Appeal. She submits that if they succeed before this court then it will be very difficult for them to recover the said amount. Hence, if this Hon'ble Court allows the claimant to withdraw the amount, they must provide solvent security to the satisfaction of the court.

6 Considering the submissions made by the learned counsel for the Applicants, I am satisfied that the Applicants claimants are entitled to withdraw some amount without furnishing any

security. Hence, the following order:

- a) Applicant nos.1, 2, 3 and 4 i.e. Lalmani Gulab Singh, Bipin Gulab Singh, Soni Gulab Singh and Moni Gulab Singh are entitled to withdraw sum of Rs.25,000/- each with accrued interest without furnishing any security.
- b) Civil application stands disposed off accordingly.

(K.K.TATED, J.)