

**FARAD CONTINUATION SHEET  
IN THE HIGH COURT OF JUDICATURE AT BOMBAY.  
CIVIL APPELLATE JURISDICTION.**

**CIVIL APPLICATION NO. 337 OF 2015  
IN  
FIRST APPEAL (ST.) NO. 14716 OF 2013**

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| 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. Sachin Punde for the applicants.  
Ms. Varsha Chavan for the respondent

**CORAM : K. K. TATED, J.  
DATED : 08/04/2015.**

**P.C.:**

. Heard learned Counsel for the parties.

2 This application is preferred by claimants for withdrawal of amount deposited by the insurance company.

3 The learned Counsel for the applicant submits that in a accident which occurred on 02.10.2008, the applicant no.1 lost her husband. Applicant nos. 2, 3 and 4 are minor children. He submits that on the date of accident the deceased was plying auto rickshaw at Pune city. At that time, he was earning near about Rs.10,000/- per month. He submits that the Trial Court has considered that deceased would

be earning Rs.7000/- per month and awarded sum of Rs.9,23,297/-.

4 The learned Counsel for the applicants submits that applicants have lost sole earning member of the family. The applicants were solely depending upon the deceased for their livelihood. He submits that due to death of the deceased, the applicants are facing serious financial difficulties and hardship. He submits that applicant nos. 2 and 3 are pursuing their higher education and applicants to incur expenses for educational fees, fees for coaching classes, books etc. Hence, they may be allowed to withdraw the amount deposited by the appellant insurance company.

5 On the other hand, the learned Counsel for the appellant vehemently opposed the present Civil Application. She submits that if entire amount is withdrawn by the claimants, nothing will survive in the present First Appeal. She submits that if they succeed in the present First Appeal, it will be very difficult for them to recover the said amount from the applicants.

6 Considering the submissions made by learned counsel for the applicant and averments made in

civil application, I am satisfied that applicant has made out the case for allowing the civil application.

7 Hence, the following order.

a) Applicant No.1 Smt. Sunita Shankar Karne is allowed to withdraw sum of Rs.3,00,000/- without furnishing any security subject to the outcome of the First Appeal.

b) The Tribunal is directed to invest the remaining amount in Fixed deposits of any Nationalised Bank, initially for the period of one year and same to be continued till hearing and final disposal of the First Appeal.

c) Applicant no.1 Smt. Sunita Shakar Karne is permitted to withdraw quarterly interest on the said fixed deposit of amount without furnishing any security subject to the outcome of the First Appeal.

d) Liberty granted to the applicants to prefer application for withdrawal of further amount and same will be decided on its own merits.

e) Civil Application stands disposed of accordingly.

**(K.K.TATED, J.)**