

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.3431 OF 2016
IN
FIRST APPEAL NO.428 OF 2016

Muneer Ahmed Shaikh, (Since Deceased),
Through Shaikh Kaim (Deleted),
Through Surauyya Muneer Ahmed Shaikh Applicant
In the matter of
Tata AIG General Insurance Company, Mumbai Appellant
Versus
1. Muneer Ahmed Shaikh (Deceased) (Deleted)
2. Surauyya Muneer Ahmed Shaikh & Anr. Respondents

Mr. Vishwanath Patil, i/by Mr. Sandeep Katke, for the Applicant.

None for the Appellant.

CORAM : DR. SHALINI PHANSALKAR-JOSHI, J.

DATE : 20TH AUGUST 2016.

P.C. :

1. This Civil Application is preferred for modification of the order passed by this Court on 20th March 2015 in Civil Application No.1209 of 2015. It is submitted that, as per the said order, original applicant No.1- Muneer Ahmed Shaikh and the present applicant No.2- Surauyya Muneer Ahmed Shaikh were permitted to withdraw 25% of the amount deposited in the Tribunal, without furnishing any security. It is submitted that applicant No.1-Muneer Ahmed Shaikh is no more and in view thereof, the

applicant may be permitted to withdraw 25% amount, which she was permitted to withdraw, as per the order and even the 25% amount, which the original applicant No.1 – Muneer Ahmed Shaikh was permitted to withdraw. It is urged that, considering the age of the applicant - Surauyya Muneer Ahmed Shaikh, which is 70 years, and as she has lost her only daughter, who would have been her source of income and maintenance, she may be permitted even to withdraw the amount of 25% more, which original applicant No.1-Muneer Ahmed Shaikh was allowed to withdraw.

2. Considering the conditions in which this Civil Application is filed, it deserves to be allowed. As a result thereof, the applicant - Surauyya Muneer Ahmed Shaikh is permitted to withdraw, totally, now 50% of the amount deposited in the Tribunal, without furnishing any security, but to usual undertaking.

3. Civil Application is disposed of accordingly.

[DR. SHALINI PHANSALKAR-JOSHI, J.]