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

**CIVIL APPLICATION NO. 4862 OF 2016
IN
FIRST APPEAL (STAMP) NO. 36160 OF 2013**

Smt. Nishigandha Nitin Patil & Ors. .. Applicants

In the matter between

ICICI Lombard General Ins. Co. Ltd. .. Appellant

Vs.

Smt. Nishigandha Nitin Patil & Ors. .. Respondents

Ms. Allena George i/b Res Juris for the Appellant.

Mr. T. J. Mendon for the Applicants/Respondents.

CORAM : G. S. KULKARNI, J.

DATE : 14th DECEMBER, 2016.

P. C. :

1. Not on board. Taken on board on a praecipe as moved on behalf of the appellant.

2. By this application respondents/claimants are seeking withdrawal of the amount deposited by the appellant Insurance Company with the Tribunal. I have perused the impugned Judgment and Order and also perused the averments made in the Civil Application. Respondent No.1 is the widow, aged 22 years, respondent Nos.2 and 3 are minors children and respondent Nos.4 and 5 are the aged parents of the deceased. The deceased was the only bread winner of the family. It is stated that due to sudden deprivation of the income of the deceased, the

respondents/claimants had to rely on friends and relatives for their financial help and for livelihood. There is severe financial hardship being suffered by the respondents/claimants on all counts including day to day expenses. It is also stated that the respondents/claimants had spent substantial amount towards hospital and other incidental charges.

3. Considering the facts of the case, in my opinion, it is in the interest of justice the respondents/claimants be permitted to withdraw the amount of Rs.15,00,000/- from the amount which is deposited in the Tribunal.

4. Accordingly, the respondents/claimants are permitted to withdraw an amount of Rs.15,00,000/- from the amount deposited by the appellant Insurance Company with the Tribunal however subject to filing in this appeal an usual undertaking within four weeks from today.

5. The Civil Application is, accordingly, disposed of in the above terms. No costs.

Parties to act on authenticated copy of the order.

[G. S. KULKARNI, J.]