

IN THE HIGH COURT OF BOMBAY AT GOA
MISC.CIVIL APPLICATION NO. 218 OF 2017
IN
FIRST APPEAL NO. 19 OF 2016

MRS. SHARADA D. DEVIDAS AND 3	
ORS.	... Applicants
Versus	
THE NEW INDIA ASSURANCE CO. LTD.,	
THROUGH ITS DIVISIONAL MANAGER.	... Respondent

Shri J. Godinho, Advocate for the applicants.
Shri E. Afonso, Advocate for the respondent.

Coram:- NUTAN D. SARDESSAI, J.

Date:- 7th July, 2017

P.C.:

Heard Shri J. Godinho, learned Advocate for the applicants and Shri E. Afonso, learned Advocate for the respondent who opposed for the release of the amount in favour of the applicants.

2. However, considering the fact that the accident had taken place somewhere in the year 2002 and that the petition was initially decided in 2008 granting the compensation in favour the applicants and which was set aside in appeal by this Court remanding the file to the learned M.A.C.T. for reconsideration afresh, the said petition was again decided in favour of the applicants fastening the liability on the respondent herein. It is not in dispute that the appeal filed by the respondent has been admitted and stay is granted.

3. Considering the factual matrix and that the applicants are in precarious financial position, withdrawal of the principal amount of

₹7,38,000/- is allowed subject however to the applicant no.1 furnishing an undertaking before the Registry of this Court that in the event the respondents succeed in the appeal, she would indemnify the respondents in the said amount. The interest which has accrued thereon shall be invested in the Fixed Deposit pending the hearing and final disposal of the appeal.

4. The application stands disposed off accordingly.

NUTAN D. SARDESSAI, J.

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