

Atul

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO. 4784 OF 2016
IN
FIRST APPEAL NO. 151 OF 2011

Rameshchandra Prabhudas Kalwadia & Anr	...Applicants
<i>Versus</i>	
The New India Assurance Co Ltd & Anr	...Respondents

Ms Bhagyalaxmi Racha, for the Applicants.

CORAM: G.S. PATEL, J
DATED: 11th July 2017

PC:-

1. Heard. By an order dated 18th March 2015, the Claimants were permitted to withdraw 25% each without security and a further 25% each on furnishing solvent surety. The Applicants state that both the Applicants are indigent. They are unable to obtain solvent surety. They seek a waiver of the second condition.

2. Having regard to the quantum of the claim and the award which is only Rs. 1,65,000/- against the claim of Rs. 7 lakhs, I am inclined to allow the application.

3. The Civil Application is made absolute. No costs.

4. MACT will permit withdrawal of the balance amount of Rs. 25,000/- each without furnishing security or solvent surety.
5. The learned Advocate for the Applicants makes an oral application to withdraw a further amount having regard to the condition of the Applicants, both of whom are senior citizens and require funds for medication and their daily needs.
6. In view of this, I will permit, without security, the withdrawal of a further amount of 25% without security. Thus, the Applicants may withdraw a further 50% without furnishing security. The MACT will permit the withdrawal on production of an authenticated copy of this order.
7. The Civil Application is disposed of in these terms with no order as to costs.

(G. S. PATEL, J)