

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO. 1593 OF 2016
IN
FIRST APPEAL (ST) No. 28656 of 2015

Reliance General Insurance Co. Ltd. .. Applicant
vs.
Mitun M. Tadage and ors. .. Respondents

Ms Deepika P. Motagi i/b Res Juris for the Applicant.
Ms Geeta Mulekar for Respondent Nos.1 and 2.

AND
CIVIL APPLICATION NO. 69 OF 2017
IN
FIRST APPEAL (ST) No. 28656 of 2015
Mitun M. Tadage and anr. .. Applicants
vs.
Reliance General Insurance Co. Ltd. and anr... Respondents

Ms Geeta Mulekar for for the Applicants..
Ms Deepika P. Motagi i/b Res Juris for Respondent No.1.

CORAM : M. S. SONAK, J.
DATE : 09 JANUARY 2017.

P.C. :-

1] The ad-interim relief was granted by this court on 18 August 2016 subject to deposit of the entire awarded amount. Learned counsel for the applicant-appellant states that the entire awarded amount has in fact been deposited before the concerned MACT.

2] Ms Mulekar, learned counsel for respondent Nos.1 and 2, i.e., original claimants has applied for withdrawal of the said amount. Learned counsel for respondent Nos.1 and 2 submits that their only son has expired in the accident. She submits that the son was a labourer and the parents were dependent on son's income.

3] It will be in the interest of justice, if respondent Nos.1 and 2 (original claimants) are permitted to be withdrawn the amount of Rs.2 Lakhs without furnish of any security. The remaining amount to be invested in a Nationalised Bank for a period of two years in the first instance and thereafter renewed until disposal of the appeal.

4] Accordingly, the stay on execution is confirmed. However, respondent Nos.1 and 2 (original claimants) are permitted to be withdraw an amount of Rs.2 Lakhs. The concerned MACT to permit such withdrawal.

4] Accordingly, civil application for stay as well as application for withdrawal are disposed of in the aforesaid terms.

(M. S. SONAK, J.)