

Anand

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

**CIVIL APPLICATION NO. 1650 OF 2018
IN
FIRST APPEAL (ST) NO. 22757 OF 2016**

Ms Yashoda Hanumant Shinde & ors. .Applicants

Vs.

Reliance General Insurance Co. Ltd. .Respondent

Mr. B. G. Ligade, Advocate, for the Applicant Nos. 1 & 2
Ms Dipika Prabala i/b. Res Juris, Advocate, for the Respondent

CORAM : V.M.DESHPANDE, J.

DATE : 11.07.2018

P.C.

. This is an Application for withdrawal of the amount filed on behalf of the Applicants – Original Claimants. Ms Prabala, learned counsel for the Insurance Company states that the Insurance Company has already deposited the entire amount before the Court below as directed by the learned Additional Member, Motor Accident Claims Tribunal, Pune vide Judgment and Award dated 05.03.2016.

2. The parents of deceased have filed the Application for withdrawal of the amount. After hearing the parties, I pass the following the order.

O R D E R

- (i) The Application is allowed in part;
- (ii) The Applicants will be entitled to withdraw 50% of the from and out of the amount so deposited before the Court on Applicants giving an undertaking before the said Court that in case, the Appeal filed by the Insurance Company is allowed, then in that event, the Applicants will refund the amount which they have withdrawn alongwith the interest which shall be determined by this Court within a period of three years from the date of the Judgment of this Court;
- (iii) The statutory amount deposited by the Insurance Company before this Court be transferred to the M.A.C.T., Pune and the said amount shall also be invested in any Nationalized Bank;
- (iv) The remaining amount shall be invested by the Court below in any Nationalized Bank initially, for a period of three years and shall continue to do the same as & when occasion arises to save loss of interest;
- (v) The Application is disposed of.

(V.M.DESHPANDE, J.)