

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

**CIVIL APPLICATION NO. 3449 OF 2018
IN
FIRST APPEAL (ST.) NO. 16420 OF 2018**

Smt.Vimal Tanaji Shinde & Ors. ... Applicants

In the matter between

Reliance General Insurance Co. Ltd. ... Appellant

V/s.

Smt.Vimal Tanaji Shinde & Ors. ... Respondents

- Ms.Poonam Mittal for the Appellant.
- Mr.Sameer Mangaonkar i/b. Mr.Sumeet H. Patil for the Applicants/Respondent Nos.1 to 4.

CORAM : DR.SHALINI PHANSALKAR-JOSHI, J.

DATE : 26th SEPTEMBER, 2018.

P.C. :

1] This is an application filed by the Applicants-Claimants for withdrawal of the amount of compensation deposited in the Court.

2] Considering the necessity of the Applicants-Claimants, the Application needs to be allowed. However, having regard to the fact the Appeal is preferred by the Insurance Company not only on the ground of quantum of compensation but also on the ground of breach of statutory provisions, the Applicants-Claimants cannot be permitted to withdraw the entire amount.

3] However, considering the requirements of the Applicants-claimants, they are permitted to withdraw 30% of the amount of compensation, subject to furnishing of undertaking that, in case the decision of the Appeal goes against them, they will refund the entire amount with interest at the bank rate.

4] The Civil Application is disposed of in above terms.

[DR.SHALINI PHANSALKAR-JOSHI, J.]