

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

**CIVIL APPLICATION NO. 2562 OF 2018
IN
FIRST APPEAL STAMP NO. 14108 OF 2017**

Kumar Chimanlal Hingorani and another ... Applicants

In the matter of

Reliance General Insurance Company Limited ... Appellant

Versus

Kumar Chimanlal Hingorani and others ... Respondents

.....

Mr. T. J. Mendon for Applicants.

Mr. Nikhil Mehta for Respondent/Appellant

.....

CORAM : K. K. SONAWANE, J.

DATE : 27th JULY, 2018.

P. C.:

1. Heard learned Counsel for the applicants-original claimants and the learned Counsel for respondent-insurance company. Perused the application.

2. The present application is filed seeking permission to withdraw the compensation amount of Rs. 79,71,450/- deposited before the M.A.C.T. Mumbai in Application No. 2498 of 2009.

3. In view of reasons mentioned in the application and the grounds of appeal, I do not find impediment to allow the applicants who are old age parents of the deceased to withdraw lumpsum

amount of Rs.40,00,000/- from the total decretal amount deposited by the respondent-insurance company in the matter. It would subserve the purpose and would not cause injustice to the insurance company. Therefore, Civil application deserves to be allowed.

4. Accordingly, civil application stands allowed partly. The applicants are permitted to withdraw lumpsum amount of Rs.40,00,000/- from the decretal amount deposited on behalf of appellant-insurance company in M.A.C.T. Mumbai in Application No. 2498 of 2009, subject to condition that the applicants shall furnish undertaking that they would refund entire amount so withdrawn, forthwith in case any contingency arises in the appeal. Rest of the decretal amount be invested in any nationalised bank in FDR account for a period of two years or till decision of the present appeal, whichever is earlier, with liberty to renew the FDR in future, if required. The Registrar of the M.A.C.T. Mumbai shall do the needful to facilitate for disbursement of the amount in favour of the applicants-claimants as mentioned above.

5. Accordingly, civil application stands allowed and disposed of in above terms.

(K. K. SONAWANE, J.)