

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION (STAMP) NO.22188 OF 2018
IN
FIRST APPEAL (STAMP) NO.10736 OF 2014

Kiran Omprakash Yadav and Ors.	 Applicants
<i>In the matter between</i>	
Reliance General Insurance Co. Ltd., Wadala (West), Mumbai.	 Appellants
<i>V/s.</i>	
Kiran Omprakash Yadav and Ors.	 Respondents

Mr. Nitesh V. Bhutekar for the Applicants.

Ms. Kalpana R. Trivedi for the Appellant-Insurance Company.

CORAM : DR. SHALINI PHANSALKAR-JOSHI, J.

DATE : 4TH OCTOBER, 2018.

P.C. :

1. Heard Mr. Bhutekar, learned counsel for the Applicants, and Ms. Trivedi, learned counsel for the Appellant-Insurance Company.
2. This is an application preferred by the Applicants-Claimants for withdrawal of the balance amount of compensation, as deposited by the Appellant-Insurance Company in the Tribunal.
3. It is submitted that, by order dated 9th May 2014, the Applicants

were permitted to withdraw the total amount of Rs.3,50,000/-, with liberty to take out appropriate application for withdrawal of the remaining amount, if they so desire. In view thereof, it is submitted that, the Applicants now require the said amount for satisfying their basic necessities and to repay the hand-loan.

4. Learned counsel for the Appellant-Insurance Company opposes this application on the ground that, the Claimants were already permitted to withdraw substantial amount and, therefore, as the Appeal is also on the ground of negligence of the Deceased, the Appeal itself may be placed for final hearing, instead of allowing this Civil Application.

5. Considering that the Appeal is of the year 2014, it is not likely to reach for final hearing in the near future. Therefore, considering the needs and requirements of the Applicants and having regard to the fact that the total amount of compensation, which is still remaining with the Tribunal, is more than Rs.10,00,000/-, plus interest accrued thereon, the Applicants are permitted to withdraw the amount of Rs.5,00,000/-, on furnishing usual undertaking.

6. Civil Application is disposed off in the above terms.

[DR. SHALINI PHANSALKAR-JOSHI, J.]