

IN THE HIGH COURT OF BOMBAY AT GOA
MISC.CIVIL APPLICATION NO. 49 OF 2019
IN
FIRST APPEAL NO. 33 OF 2018

GOPIKI RAMDAS GAUDE @ GAWADE AND
ANR.

... Applicants

Versus

THE UNITED INDIA INSURANCE CO.
LTD., THR. ITS DIVISIONAL MANAGER
AND 2 ORS.

... Respondents

Shri Milton Marshal, Advocate for the applicants.

Shri Pavithran A.V., Advocate for the respondents.

Coram:- NUTAN D. SARDESSAI, J.

Date:- 8th April 2019

P.C.:

Heard Shri Milton Marshal, learned Advocate for the applicants and Shri Pavithran A.V., learned Advocate for the respondents.

2. It is the contention of Shri Marshal, learned Advocate that the claimants were secured with an award of the learned M.A.C.T. in the amount of ₹16,62,328/- and that he may be permitted to withdraw 50% of the amount in order to meet the day to day needs of the applicants.

3. Shri A.V. Pavithran, learned Advocate vehemently resisted the release of the amount on the premise that the cause of death was not due to accident but due to the deceased suffering from

cancer and on that premise, prayed for the dismissal of the application.

4. i have heard both the learned Advocates and the point raised by Shri Pavithran, learned Advocate is one which can be dealt with on the merits of the case to which Shri Marshal, learned Advocate shall address at the relevant time. The application is simplicitor for the withdrawal of the amount deposited to meet the needs of the applicants who have been secured with an order of the learned M.A.C.T.

5. In the circumstances therefore an amount of ₹8,00,000/- is ordered to be released in favour of the applicants on furnishing an undertaking before the learned Registrar of this Court. The applicants shall also furnish the detailed address.

6. In these terms the application stands disposed off.

NUTAN D. SARDESSAI, J.

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