

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION No. 1531 OF 2019
IN
FIRST APPEAL No. 162 OF 2019

Mrs. Manasi Narendra Joshi ...Applicant

In the matter between

Reliance General Insurance Company Limited ...Appellant
Vs.

Mrs. Manasi Narendra Joshi and Ors. ...Respondents

Mr. Ashish Agarkar @ Suraj Sawardekar for Applicant
Mr. Rahul Mehta for Appellant

CORAM: K.K. TATED, J.

DATED : JUNE 14, 2019

P.C. :

1. Heard learned counsel for the parties.
2. By this civil application, the Applicant Original Claimant is seeking withdrawal of the amount deposited by the Appellant As per the order passed by this Court dated 4th February, 2019.
3. Learned counsel for the Applicant submits that in accident, which occurred on 18th April, 2016, the Applicant lost her son, who was 23 years' old at that time. He further submits that the deceased was Chemical Engineer and he was earning Rs.21,000/- per month. He submits that the Applicant is a widow and do not have any source of income. Therefore, she has filed application for withdrawal of the amount deposited by the Insurance Company in the Registry of the

Trial Court. He submits that in the interest of justice, this Hon'ble Court be pleased to allow the civil application.

4. On the other hand, learned counsel for the Appellant Insurance Company vehemently opposed the present civil application. He submits that the Tribunal has awarded the compensation at higher side. He further submits that, if the Insurance Company succeeds in the appeal, then it will be very difficult for them to recover the amount from the Applicant and hence, there is no substance in the present civil application and same required to be dismissed with costs.

5. I heard both the counsels at length. It is to be noted that, the Original Claimant has lost her son in the accident and at that time, he was 23 years' old and he was working as a Chemical Engineer and earning Rs.21,000/- per month. On the basis of the aforesaid averments made in the civil application, it is made clear that the Applicant do not have any source of income.

6. Considering these facts, the Application is permitted to withdraw some awarded amount of compensation without furnishing any security, but subject to outcome of the First Appeal.

7. Hence, following order:

- (a) Applicant is permitted to withdraw 50% of awarded amount of compensation with accrued interest thereon without furnishing any security, but subject to outcome of the First Appeal.
- (b) Civil Application stands disposed of accordingly.
- (c) No order as to costs.

(K. K. TATED, J.)