

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**945 CIVIL APPLICATION NO.2649 OF 2021
IN FAST/18772/2017**

**KALIKA SHIVAJIRAO KAKADE
VS
M/S SHRIRAM GENERAL INSURANCE COMPANY LTD, JAYPUR
(RAJASTHAN) THR ITS BRANCH MANAGER, AURANGABAD**

Mr. Vikram S. Undre, Advocate for the applicant
Mr. S. S. Dargad, Advocate h/f Mr. S. G. Chapalgaonkar, Advocate
for the respondent No.1

CORAM : N. J. JAMADAR, J.

DATE : 05-03-2021

P. C.

. This application is preferred to withdraw the amount of compensation deposited by the respondent No.1-insurer in terms of the judgment and award dated 17-12-2016 passed in MACP No.06/2015 passed by MACAT whereby the respondents were directed to pay a sum of Rs.41,91,000/- alongwith interest @ 9% per annum from the date of petition till realization.

2. By order order dated 08-06-2018, in civil application no. 11126 of 2017, this court had allowed the applicant to withdraw lump-sum amount of Rs.12,00,000/- subject to certain conditions and balance amount was directed to be invested in a fixed deposit. The applicant asserts that she is now in dire need of amount of compensation for her livelihood. The applicant has no source of

income. The applicant is suffering from multiple ailments; therefore, the applicants be allowed to withdraw the balance amount.

3. Learned counsel for the respondent No.1-insurer resists the prayer of withdrawal. Learned counsel for the respondent No.1 would urge that this court has considered the entitlement while passing the order on 08-06-2018. There is no justifiable reason to release further amount.

4. This court has indeed considered the justifiability of the prayer for withdrawal by order dated 08-06-2018.

5. The applicant claims that she has no other source of income and requires further amount for her livelihood and medical expenses.

6. In the circumstances of the case, having regard to the quantum of the amount deposited by the insurer, it would be expedient to allow the applicant to withdraw a further sum of Rs.8,00,000/-. Hence, the following order.

ORDER

- i. The application stands partly allowed.
- ii. The applicant is entitled to withdraw a further sum

(3)

fa2649.21

of Rs.8,00,000/-, on furnishing an undertaking to the satisfaction of the learned Registrar (Judicial) of this court.

iii. Rest of the amount be invested in a fixed deposit.

iv. The application stands accordingly disposed of.

[N. J. JAMADAR, J.]

VishalK/fa2649.21