

R.M. AMBERKAR
(Private Secretary)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 1413 OF 2019
IN
FIRST APPEAL NO. 224 OF 2020

Shankar Shidu Jadhav & Ors. .. Applicants

In the Matter Between

Iffco Tokio General Insurance Co Ltd .. Appellant

Vs

Shankar Shindu Jaadhav & Ors. .. Respondents

-
- Mr. Yogesh Thorat i/by Mr. Rajure Vishwanath Babuappa for the Applicants
 - Ms. Deepika Prabhala i/by RES Jurid for the Respondent - Insurance Company
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CORAM : MILIND N. JADHAV, J.

DATE : MAY 7, 2021.
(Through Video Conferencing)

P.C.:

Heard learned counsel for the respective parties.

2. Mr. Thorat, learned counsel appearing for the Applicants submitted that the present application has been filed seeking withdrawal of the amount deposited by the Insurance Company in the trial Court for the reasons mentioned in the application.

3. There are three Applicants before the Court. Applicant Nos. 1 and 2 are the father and mother of the deceased

whereas Applicant No. 3 namely Shashikant is the younger brother of the deceased.

4. On perusal of the application and more specifically paragraph 5 thereof, it appears that a categorical statement has been made that Applicant No. 3 Shashikant manages the expenses of himself and is not paying anything to Applicant Nos. 1 and 2 who are father and mother of the deceased. Apart from this fact, Applicant Nos. 1 and 2 being old also require money to maintain themselves and more specifically so in the present covid situation and that is the reason why the urgent application has been moved before the Court. Though the Civil Application has been filed on 09.01.2019 by Applicant No. 1 i.e father who is 73 years old, this application is seeing light of the day only today.

5. Be that as it may, it is never too late in the day to consider the genuine application if it helps and assists a genuine claim. In the present case, compensation awarded by MACT, Sangli and deposited by the Insurance Company is Rs. 52,48,928/- and the said amount has been deposited in the form of fixed deposits in the trial court.

6. Applicant Nos. 1 and 2 being old, senior citizens and deprived of the earning of their deceased son in the sunset of their lives deserve a better life which could be made available to them if the present application is considered on humanitarian grounds. If any money is released to Applicant Nos. 1 and 2 i.e parents of the deceased, it will be ensured that it will be beneficial to the Applicants for maintaining their health and well being in the present covid and lockdown situation.

7. In view of the statement made in paragraph 5 of the application, it appears that Applicant No. 3 Shashikant is managing expenses for himself and is not paying any amount to Applicant Nos. 1 and 2. This statement speaks volumes about the duty of Applicant No. 3 which he is required to perform as a dutiful son of his parents.

8. In any event, considering the averments made in the application, I am inclidng to allow the present application and direct to release of the amount of Rs.5,00,000.00 each to the Applicant Nos. 1 and 2 only without any security and subject to the final decision in the first appeal. This Court makes it very clear that the sum of Rs. 5,00,000.00 shall be released to Applicant Nos. 1 and 2 immediately from the

compensation amount deposited in the trial court. If required, the fixed deposit in the trial Court shall be broken for the said purpose but the aforesaid amount shall be made available to Applicant Nos. 1 and 2 in their respective bank accounts which shall be operated by them only. Considering the objection raised by Applicant No. 1 in the application against Applicant No. 3 Shashikant, this Court directs that Shashikant shall not handle the aforesaid amounts on behalf of Applicant Nos. 1 and 2 as the same is released for the benefit of Applicant Nos. 1 and 2 only as desired by them in the application. The Sarpanch and Police Patil of Jadhavwadi Village shall assist and help the Applicant Nos.1 and 2 in opening of their respective Bank accounts in the nearest Bank close to their residence if they do not have a bank account and the bank accounts shall be operated only by Applicant Nos. 1 and 2 and not by Applicant No.3.

9. In view of the above direction, Civil Application stands disposed of. However, there shall be no order as to costs.

[MILIND N. JADHAV, J.]