Uday S. Jagtap

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 3275 OF 2020
IN
FIRST APPEAL (ST.) NO. 12608 OF 2017

Smt. Shantabai Ananda Bhilare .. Applicant

In the matter between
Oriental Insurance Co. Ltd. .. Appellant

Vs.
Smt. Shantabai Ananda Bhilare & Anr. .. Respondents

.....

Mr. Vaibhav Gaikwad for the applicant
Ms. Poonam Mital for appellant – insurer

CORAM : PRITHVIRAJ K. CHAVAN, J.

DATED : 3rd FEBRUARY, 2021

P.C.

1. By this application, the applicant seek to withdraw the amount of compensation with accrued interest deposited by the appellant – insurer in M.A.C.T., Satara.

2. The M.A.C.T., Satara by judgment and award dated 23rd May, 2016 passed in M.A.C.P. No. 559 of 2011 awarded compensation of Rs.9,25,000/- with interest at the rate of 9% p.a. to the claimant from the date of filing of the petition till its realization.

3. The learned Counsel for the applicant submits that the applicant is a 70 years old widow of the deceased, who is said to be suffering from great shock due to death of her husband. The

applicant needs money for her basic needs. She is suffering from old age health problems and required to take medical treatment.

4. The learned Counsel for the appellant – insurer objects the prayer of the applicant.

5. Having considered the submissions, at this stage, the applicant is permitted to withdraw 50% of the amount of compensation with accrued interest. The applicant shall furnish an undertaking within two weeks that if the appellant - insurer succeeds in appeal, the applicant shall return the amount with interest at such rate as would be directed by this Court, depending upon the outcome of the first appeal.

6. If the applicant does not file an undertaking within the aforesaid period, the amount deposited by the appellant - insurer shall be invested by the M.A.C.T in a fixed deposit in any Nationalized Bank for a period of one year and thereafter for one more year again after obtaining order from this Court.

7. If 50% amount is withdrawn by the applicants, balance amount shall be invested by the M.A.C.T in a fixed deposit as stated above, in a Nationalized Bank.

8. The application stands disposed of.

(PRITHVIRAJ K. CHAVAN, J.)