

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO.1290 OF 2016
IN
FIRST APPEAL ST NO.13618 OF 2014

Sakshi Sanjay Morajkar & ors .. Applicants
Versus
National Insurance Co. Ltd, thru
the Divisional Manager .. Respondent

...

Mr. Anand S. Patil for applicants.
Mr. Amol Gatne for the respondent.

CORAM: BHARATI DANGRE, J.
DATED : 17th NOVEMBER, 2021

P.C:-

1 This is an application filed by the claimants who have been awarded compensation under the impugned judgment and by the said application, withdrawal of the entire decretal amount of Rs.25,76,162/- along with the accrued interest is sought.

2 Heard counsel for the applicant and the counsel for the respondent Insurance Company.

3 Under the impugned judgment and order, the claimants are held entitled for the compensation and in the wake of the stay that is granted to the execution of the decree, the

decretal amount of Rs.25,76,162/- is deposited, which is invested in Fixed Deposit Scheme in the SBI. Since the applicant/claimants were permitted to make an application for withdrawal of the amount on 21st July 2015, an application has been preferred in the year 2016 but no orders are passed.

4 On perusal of the application, the claimants have made out a case for withdrawal of the amount on account of the death of deceased Sanjay in the accident and since it is stated that the applicant no.1 is the house wife and she has to maintain the children as well as the mother of the deceased, and the amount is very much necessary to cater to their education as well as day to day expenses of the family, I deem it appropriate to permit the applicants to withdraw 60% of the decretal amount along with the interest accruing till 30th September 2021, since the amount is already deposited in the Fixed Deposit. On the amount being permitted to be withdrawn, as aforesaid, the remaining amount shall again be re-invested in a Fixed Deposit with the State Bank of India. This withdrawal would however be subject to an undertaking being filed before the MACT at Sindhudurg to the effect that in case the Appeal of the Insurance Company is allowed and the claimants are held not entitled for the amount of compensation, they shall refund the amount along with the interest that will be determined by Court at the time of the hearing of the Appeal.

5 Subject to such an undertaking being furnished by the applicants, the amount shall be permitted to be withdrawn.

6 Civil Application No.1290 of 2016 is allowed in the aforesaid terms.

SMT. BHARATI DANGRE, J