

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**INTERIM APPLICATION NO.302 OF 2021
IN
FIRST APPEAL [STAMP] NO.35985 OF 2018**

Ram Asare Dinanath Vishwakarma & Anr.	]	
	]	...Applicants.
Vs.		
IFFCO TOKIO General Insurance Company Ltd.	]	... Respondents.
<u>IN THE MATTER BETWEEN:</u>		
IFFCO TOKIO General Insurance Company Ltd.	]	Appellant.
Vs.		
Ram Asare Dinanath Vishwakarma & Ors.	]	 Respondents.

....

Mr.T.J. Mendon, for applicants in IA no.302/2021 and for respondents in FA (St)no.35985/2018.

Miss Deepika Prabhala i/b Res Juris for respondents in IA 302/2021 for appellant in FA(St)no.35985/2018.

CORAM : PRITHVIRAJ K. CHAVAN, J.

DATE : 17TH FEBRUARY 2021.

P.C. :

1. This is an application for withdrawal of compensation amount awarded by MACT, Thane.

2. It is submitted on behalf of applicants that the deceased was their

son and was the only earning member of the family. Due to death of the deceased, applicants are deprived of financial help and they find it difficult to meet their day to day expenses.

3. Learned Counsel for the appellant objects withdrawal of amount by stating that the appellant has good case on merits.

4. Having considered the respective submissions, at this stage, the applicants are permitted to withdraw 50% of amount with accrued interest. At the time of withdrawal of the amount, the applicants shall give an Undertaking that in case, the appeal succeeds, they shall refund the amount with interest as per outcome of appeal.

5. After withdrawal of 50% of the amount, balance amount shall be invested in a Fixed Deposit in any Nationalized Bank for a period of one year and thereafter for one more year after obtaining orders of this Court.

6. Application is disposed of.

[PRITHVIRAJ K.CHAVAN,J.]