

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

**INTERIM APPLICATION NO.372 OF 2021
IN
FIRST APPEAL NO.505 of 2018**

Vanita G. Shelke & Ors.

]... Applicants.

IN THE MATTER BETWEEN:

Reliance General Insurance Co. Ltd.

]...Appellant.

Vs.

Vanita G. Shelke & Anr.

]... Respondents.

....

Mr.Yuvraj P. Narvankar a/w Mr.Adwait A. Agashe for the applicants.

Mr.Rahul Mehta i/b KMC Legal Venture for respondents/original appellant.

CORAM : PRITHVIRAJ K. CHAVAN, J.

DATE : 23RD FEBRUARY, 2021.

P.C. :

1. This is an application for withdrawal of an amount of compensation awarded by the Additional Member, M.A.C.T., Pune, by impugned judgment and award, dated 9th August, 2017.

2. Heard Mr.Narvankar, the learned Counsel for the applicants. It is contended that the applicants are the widow, daughter and son as well as father of the deceased, who met with an accident and succumbed to multiple injuries. According to the learned Counsel, due to unfortunate death of the deceased, the applicants are in financial difficulties. Applicant no.2 who is daughter of the deceased, is going to marry on 3rd

May 2021. The applicants are, therefore, in need of funds to meet with the expenses of the scheduled marriage of applicant no.2. Photostate copy of the Wedding Invitation is at Exhibit-A, indicating that the marriage is scheduled on 3rd May 2021.

3. Mr. Mehta, the learned Counsel for the appellant/Insurance Company, however, objects withdrawal of amount of compensation by contending that, he has a good case on merits, in a sense, the learned Member, M.A.C.T., Pune, has incorrectly calculated the quantum of compensation under conventional heads as well as future income of the deceased.

4. Having considered respective submissions of the learned Counsel, and in view of the reasons enumerated in the application, the applicants are permitted to withdraw 60% of amount of compensation with accrued interest.

5. The applicants shall give an Undertaking, at the time of withdrawal of the amount that, in case the appeal succeeds, they shall refund the amount with interest, as per the outcome of the appeal.

6. If the applicants fail to give an Undertaking as above, the amount deposited by the appellant/Insurance Company shall be invested by the M.A.C.T. Pune, 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. The application stands disposed of.

(PRITHVIRAJ K.CHAVAN,J.)