Uday S. Jagtap

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 728 OF 2021
IN
FIRST APPEAL NO. 1323 OF 2018

Lalita @ Deepali Vishwas Thorat & Ors. .. Applicants
In the matter between
Shriram General Insurance Co. Ltd. .. Appellant
Vs.
Lalita @ Deepali Vishwas Thorat & Ors. .. Respondents

.....

Mr. Pritesh K. Bohade for the applicants
Mr. Devendranath Joshi i/b M/s. KMC Legal Venture for the appellant

CORAM : PRITHVIRAJ K. CHAVAN, J.

DATED : 16th MARCH, 2021

P.C.

1. This is an application for withdrawal of the amount of compensation by the widow, parents and children of the deceased.

2. Heard learned Counsel for the applicants – claimants. It is stated that they were dependent upon the earnings of the deceased prior to the unfortunate accident. None of them have any independent source of income and, therefore, for their survival they need the amount of compensation deposited by the appellant – insurer.

3. The learned Counsel for the appellant - insurer submits that the amount has already been deposited with M.A.C.T., Niphad, Dist. Nashik pursuant to an order of this Court dated 26th December, 2018.

4. Mr. Joshi, holding for Mr. Mehta, learned Counsel for the appellant – insurer objects the prayer of the applicants.

5. Having considered the submissions, at this stage, the applicants are permitted to withdraw 50% of the amount of compensation with accrued interest. The applicant nos. 1, 4 and 5 shall furnish an undertaking within two weeks that if the appellant - insurer succeeds in appeal, the applicants shall refund 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 applicants do not file 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 If 50% amount is withdrawn by the applicants, balance amount shall be invested by the M.A.C.T in a fixed deposit as stated above, in a Nationalized Bank.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.)