

Chitra Sonawane

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

INTERIM APPLICATION NO.680 OF 2021

IN

FIRST APPEAL [STAMP] NO.5906 OF 2019

Kisan B. Nayak & Ors.]... Applicants.

IN THE MATTER BETWEEN:

IFFCO Tokio General Insurance Co.Ltd.]..Appellant.

Vs.

Kisan B. Nayak & Ors.]... Respondents.

....

Mr.T.J.Mendon for the applicant.

Mr.Vinod C. Singh i/b Advocate Vikrant V. Parshurami for the appellant.

CORAM : PRITHVIRAJ K. CHAVAN, J.

DATED : 11TH MARCH, 2021

P.C.

1. This is an application for withdrawal of amount of compensation.

2. Heard Mr.T.J. Mendon, the learned Counsel for the applicant. The applicants are parents and unmarried sister of the deceased who met with an accident and ultimately died due to injuries. The applicants are totally dependent on the income of the deceased. Due to the death of the deceased, they lost the only bread winner of

the family. Since they are undergoing great deal of hardship and not in a position to spend for day to day expenses, it is prayed for permitting withdrawal.

2. Learned Counsel for the insurer, however, opposed the application.

3. Considering the grounds raised in the application, the applicants are permitted to withdraw 50% of the amount of compensation with accrued interest.

4. At the time of withdrawal, the applicants shall give an Undertaking that in case, the appeal succeeds, they will refund the amount of compensation with interest, depending upon the outcome of the appeal.

5. If the applicants fail to give an Undertaking, the entire amount shall be deposited in Fixed Deposit, in any Nationalized Bank, for a period of one year.

6. Application stands disposed of.

7. Statutory deposit be transferred to M.A.C.T., Mumbai.

[PRITHVIRAJ K. CHAVAN, J.]