

Shailaja

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO.1905 OF 2019
IN
FIRST APPEAL [STAMP] NO.16884 OF 2018

Jyotsna Jitendera Pawar and others.] Applicants

IN THE MATTER BETWEEN:

IFFCO-TOKIO General Insurance Co. Ltd.] Appellant

Vs.

Jyotsna Jitendra Pawar and others.] Respondents

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Mr. Navin C. Sheth, for Applicants.

Ms. Dipika Prabhala i/b Res Juris, for Respondents.

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CORAM : PRITHVIRAJ K. CHAVAN, J.

DATE : 29th JANUARY, 2021.

P.C.

1. This is an application for withdrawal of the entire amount of compensation which has already been deposited by the respondent-insurer in the Motor Accident Claim Tribunal, Mumbai.
2. Mr. Sheth, learned Counsel for the applicants submits that the applicants are the legal heirs of deceased Jitendra Pawar who have no independent source of income and they are in dire need of money for their survival.

3. Learned Counsel for the respondent-insurer objects withdrawal of the amount.
4. Considering the reason for withdrawal, the applicants-claimants are permitted to withdraw 50% of the amount of compensation with accrued interest. The applicants shall furnish undertaking within two weeks from today that if the respondent-insurer succeeds in the appeal, they will return the amount with interest at such rate as would be directed by this Court, depending upon the outcome of the first appeal.
5. If the applicants do not file an undertaking within the aforesaid period, the amount deposited by the respondent-insurer shall be invested by the M.A.C.T in the fixed deposit of a Nationalized Bank for a period of one year and thereafter for one more year again after obtaining order from this Court.
6. If 50% amount is withdrawn by the applicants, balance amount shall be invested by the M.A.C.T in a fixed deposit as stated above, in a Nationalized Bank.
7. The concerned M.A.C.T shall ensure that entire amount shall be paid to the applicant No.1-Mrs. Jyotsna Pawar.
8. The application stands disposed of.

[PRITHVIRAJ K. CHAVAN, J.]