Shailaja

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.3261 OF 2019

IN

FIRST APPEAL [STAMP] NO.10590 OF 2018

Rambabu @ Bhaskar Harishchandra Paik	**]**	
and another.	**]**	**Applicants**

IN THE MATTER BETWEEN:

Bajaj Allianz General Insurance Co. Ltd.	**]**	**Appellant**
Vs.		
Rambhau @ Bhaskar Harishchandra Paik	**]**	
and others.	**]**	**Respondents**

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Mr. Shirshak Chavanke, for Applicants.

Mr. Pachashil Patil i/b Mr. S.S. Diwan, for Respondent-Insurer.

Mr. Shubham Jangam i/b Mr. Girish Agrawal, for Respondent No.3.

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CORAM : PRITHVIRAJ K. CHAVAN, J.

DATE : 5th APRIL, 2021.

P.C:

1. This is an application by the parents of the deceased, who unfortunately met with an accident of motor vehicle and succumbed to the injuries, seeking withdrawal of the entire

amount of compensation deposited by the respondent-insurer under Award dated 8th February, 2017 passed by the learned Member, M.A.C.T, Palghar in M.A.C.P. No.117 of 2012.

2. Mr. Patil, holding for Mr. Diwan, learned Counsel for the respondent-insurer states that Mr. Diwan is not available today.

3. Heard Mr. Chavanke, learned Counsel for the applicants.

4. Learned Counsel for the applicants submits that the applicants have no means of earning. Due to their old age, they are suffering from diseases and are unable to maintain medical expenses. They are required to borrow money from their relatives and neighbours.

5. Considering the reasons stated in the application, the applicants are permitted to withdraw 70% of the amount of compensation deposited by the respondent-insurer upon furnishing an undertaking at the time of withdrawing the amount before the Tribunal that if the respondent-insurer succeeds in the appeal, they will 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 an undertaking at the time of withdrawing the amount of compensation, 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 an order from this Court.

7. If 70% amount is withdrawn by the applicants, balance amount shall be invested by the M.A.C.T in a fixed deposit as stated above, in a Nationalized Bank.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.]