

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

**INTERIM APPLICATION NO.795 OF 2021
IN
FIRST APPEAL [STAMP] NO.20271 OF 2018**

1.Varsha Shankar Chavan & Ors.	]...Applicants.
IN THE MATTER BETWEEN:	
Reliance General Insurance Co.Ltd.	].. Appellant.
Vs.	
Varsha Shankar Chavan & Ors.	]...Respondents.

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Mr. Amol Gatne i/b KMC Legal Venture for appellant.

Mr.Mahindra B. Deshmukh for applicant in IA no.795/2021.

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CORAM : PRITHVIRAJ K. CHAVAN, J.

DATE : 22ND MARCH, 2021

P.C. :

1. Heard Mr. Mahindra Deshmukh, the learned Counsel for the applicant.

2. The applicant has prayed for granting permission to withdraw an amount of Rs.52,72,642/- with accrued interest, deposited by the appellant in M.A.C.T, Sangli in M.A.C.PNo.214 of 2013, on account of compensation due to the death of the deceased in a motor vehicle accident. Deceased was a Head Constable.

3. In paragraph no.6 of the application, the applicants who are widow and major children of the deceased as well as parents of the deceased have claimed compensation on the ground that the deceased was the only earning member in the family. Applicants had to borrow loan from relatives and neighbours to sustain the family and bear expenses of education in respect of applicant nos.2 to 4. The applicants had to vacate official quarter of the deceased and are now constrained to reside in a rented premises. They are required to pay rent of Rs.9,000/- per month. The applicants, however, have obtained bank loan for purchasing a room in Mumbai. Its Equated Monthly Installment (E.M.I) is about 14,000/-.

4. Marriage of applicant no.4 is required to be performed for which some amount is required. It is submitted that though respondent no.2 has been appointed in the police department on compassionate ground recently, he is required to look after his family.

5. On the other hand, Mr. Gatne, the learned Counsel holding for Mr.Mehta submits that there are chances of success in the appeal in view of the fact that there was a fake policy of the offending vehicle.

6. Considering the respective submissions at bar, at present, I am of the view that the applicants are entitled for 50% of the amount of compensation with accrued interest.

7. At the time of withdrawal, the applicants shall give an Undertaking that in case, the appeal succeeds, they will refund the

amount with interest, subject to the outcome of the appeal.

8. The application stands disposed of.

[PRITHVIRAJ K. CHAVAN, J.]