

Chitra Sonawane

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

**INTERIM APPLICATION NO. 2976 OF 2020
IN
FIRST APPEAL (STAMP)NO.30588 OF 2017**

Ravindra Upendra Joshi & Ors. ... Applicants.

IN THE MATTER BETWEEN:

New India Assurance Co. Ltd. ... Appellant.

Vs.

Ravindra Upendra Joshi & Ors. ... Respondents.

.....

Miss Jaitali Mathuria for applicants.

Miss S.S.Dwivedi for respondents.

CORAM : PRITHVIRAJ K. CHAVAN, J.

DATED : 28th JANUARY, 2021

P.C.

1. The claimants have prayed for withdrawal of amount of compensation deposited by the appellant/insurer in M.A.C.T., Mumbai.

2. The learned Counsel for the appellant objects withdrawal of amount. The learned Counsel for the appellant submits that the entire amount with accrued interest has already been deposited with M.A.C.T., Mumbai.

3. It is submitted by the learned Counsel for the applicant that due to Pandemic of Covid-2019, applicant no.1 who is a Salesman

could not get any job and therefore, he is in badly need of money.

4. Considering the said aspect, the applicants/claimants are permitted to withdraw 50% of the amount with accrued interest.

5. At the time of withdrawal of the amount, applicant no.1 shall give an Undertaking that in case the appellant succeeds, he will refund the entire amount with interest as will be determined by this Court while deciding the appeal finally.

6. If the applicants fail to withdraw the amount, the M.A.C.T., Mumbai shall invest the said amount in the Fixed Deposit initially for a period of one year and thereafter for one more year after obtaining order of this Court.

7. The application stands disposed of.

(PRITHVIRAJ K. CHAVAN, J.)

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