Uday S. Jagtap

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 24 OF 2020
IN
FIRST APPEAL (ST.) NO. 28460 OF 2017

Smt. Karuna Kishor Chavan & Ors. .. Applicants

In the matter between

Reliance General Insurance Co. Ltd. .. Appellant

Vs.

Smt. Karuna Kishor Chavan & Ors. .. Respondent

.....

Ms. Rina Kundu for the applicants
Mr. Devendranath Joshi i/b M/s. KMC Legal Venture for the appellant – insurer

CORAM : PRITHVIRAJ K. CHAVAN, J.

DATED : 16th MARCH, 2021

P.C.

1. Heard Ms. Kundu, learned Counsel for the applicants.

2. By this application, the applicants pray for withdrawal of the entire amount to the tune of Rs.52,34,966/- deposited by the appellant – insurer in M.A.C.T., Thane as a compensation on account of accidental death of the deceased – Kishor D. Sawant.

3. It is contended that after the death of the deceased, the widow is doing home-made food supply business and earning some amount to meet both ends of applicant nos. 2 to 6, who are her children and

applicant nos. 7 and 8, aged parents of the deceased. It is very difficult to meet both ends with an amount of Rs.6,000/- per month, which she is earning and, therefore, the Counsel seeks withdrawal of the amount of compensation.

4. Mr. Joshi, holding for Mr. Mehta, learned Counsel for the appellant – insurer objects the prayer of the applicants for withdrawal of the whole amount.

5. However, considering the number of dependents being looked after by the widow, at this stage, I am inclined to permit the applicants to withdraw 70% amount of compensation of their respective shares with accrued interest. The applicant nos. 1 to 4, 7 and 8 shall furnish an undertaking within two weeks that if the appellant – insurer succeeds in appeal, the applicants shall refund the amount with interest at such rate as would be directed by this Court, depending upon the outcome of the first appeal.

6. Insofar as the shares of applicant nos. 5 and 6 are concerned, that be invested in their names till they attain majority. The applicant no.1 - Karuna Chavan is at liberty to withdraw periodical interest from the Fixed Deposit in the names of applicant nos. 5 and 6 which shall be utilized for their welfare.

7. If the applicants do not file an undertaking within the aforesaid period, the amount deposited by the appellant - insurer shall be invested by the M.A.C.T in a fixed deposit in any Nationalized Bank for a period of one year and thereafter for one more year again after obtaining order from this Court.

8. 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.

9. The application stands disposed of.

(PRITHVIRAJ K. CHAVAN, J.)