Order is corrected as per speaking to minutes of the order dated 10th February, 2021

Shailaja

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO.202 OF 2020

IN

FIRST APPEAL [STAMP] NO.2522 OF 2019

S. Sailaja Salihundam Rao and others.] Applicants

Vs.

Divisional Manager, United India Insurance]

Company Limited and another.] Respondents

.....

Mr. Pritesh K. Bohade, for Applicants.
Mr. Ketan V. Joshi, for Respondents.

.....

CORAM : PRITHVIRAJ K. CHAVAN, J.
DATE : 3rd FEBRUARY, 2021.

P.C:

1. This is an application for withdrawal of the amount of compensation awarded by M.A.C.T, Nashik in M.A.C.P No.808 of 2013.

2. Heard learned Counsel for the applicants.

3. Learned Counsel for the applicants submits that applicant No.1 is wife of the deceased. She is housewife. Applicant No.2 is minor and applicants No.3 and 4 are aged parents of the deceased. Deceased was the only earning member of the family. The applicants have no other source of income for their survival, therefore, they are in need of money.

4. Learned Counsel for the respondent-insurer objects for withdrawal of the amount by contending that the respondent-insurer has good case on merits.

5. Having considered the respective submissions, at this stage, the applicants are permitted to withdraw 50% of the balance amount deposited by the respondent-insurer before the concerned M.A.C.T with accrued interest, upon furnishing an undertaking within one week before the Tribunal 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.

6. 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 the order from this Court.

7. If 50% amount is withdrawn by the applicants, balance amount shall be invested by the M.A.C.T in a fixed deposit as stated above, in a Nationalized Bank.

8. The application stands disposed of.

[PRITHVIRAJ K. CHAVAN, J.]