

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO.3534 OF 2020

IN

FIRST APPEAL NO.39 OF 2020

1.Smt.Kavita Vilas Jadhav & Ors.]...Applicants.

IN THE MATTER BETWEEN:

Reliance General Insurance Co. Ltd.].. Appellant.

Vs.

Smt.Kavita Vilas Jadhav & Ors.]...Respondents.

...

Miss Kalpana R. Trivedi for the appellant.

Mr.Vijay Adsul for respondent nos.1 to 5.

CORAM : PRITHVIRAJ K. CHAVAN, J.

DATE : 3RD MARCH, 2021.

P.C. :

1. This is an application for withdrawal of amount of compensation, deposited by the insurer in M.A.C.T., Mumbai in M.A.C.P No.179 of 2014.

2. Heard Mr.Adsul, learned Counsel for the claimants. He submits that the claimants are widow and minor children as well as parents of the deceased who are facing financial constraints due to untimely demise of the deceased in an accident. The entire family is under shock and trauma.

3. On the other hand, the learned Counsel for the insurer objects withdrawal of amount of compensation by contending that the appellant has a good case on merits.
4. Having considered respective submissions, the claimants are permitted to withdraw 50% of the amount with accrued interest.
5. At the time of withdrawal, the claimants shall give an Undertaking that in case, the appeal succeeds, they will refund the amount with interest, subject to outcome of the appeal.
6. Application stands disposed of.

(PRITHVIRAJ K.CHAVAN,J.)