

Shailaja

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO.2981 OF 2019

IN

FIRST APPEAL NO.18 OF 2019

Vandana Umeshsingh Thakur and another] Applicants

Vs.

Reliance General Insurance Co. Ltd.] Respondent

IN THE MATTER BETWEEN:

Reliance General Insurance Co. Ltd.] Appellant

Vs.

Vandana Umeshsingh Thakur and another] Respondents

.....

Mr. Yuvraj P. Narvankar a/w Mr. Adwait Agashe, for Applicants.
 Mr. Rahul Mehta i/b K.M.C Legal Venture, for Respondent.

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CORAM : PRITHVIRAJ K. CHAVAN, J.
DATE : 4th MARCH, 2021.

P.C.

1. This is an application for withdrawal of the decretal amount deposited by the respondent-insurer in M.A.C.T, Pune.

2. Heard Mr. Narvankar, learned Counsel for the applicant.

3. Learned Counsel for the applicant submits that since the Award has been passed, the applicants have not received any amount except the amount under 'No Fault Liability'. The applicants who are parents of their only deceased son are facing

hardship and extreme financial constraints.

**Shailaja S.
Halkude**

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4. Mr. Mehta, learned Counsel for the respondent-insurer objects for permitting the applicants to withdraw the entire amount of compensation.

5. Considering the reasons stated in the application, the applicants are permitted to withdraw 65% of the amount of compensation with accrued interest.

6. The applicants shall furnish an undertaking at the time of withdrawing the amount 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. If the applicants do not file an undertaking at the time of withdrawing the amount, the amount of compensation 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 order from this Court.

7. If 65% amount is withdrawn by applicants-claimants, balance amount shall be invested by the M.A.C.T in a fixed deposit as stated above, in a Nationalized Bank.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.]