Uday S. Jagtap

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 1022 OF 2021
IN
FIRST APPEAL (ST.) NO. 25678 OF 2018

Jijabai Bhaurao Sathe & Ors. .. Applicants
In the matter between
The Divisional Officer, Reliance G.I.C. Ltd. .. Appellant
Vs.
Jijabai Bhaurao Sathe & Ors. .. Respondents

.....

Mr. Pritesh K. Bohade for the applicants
Mr. Rahul Mehta i/b KMC Legal Venture for the appellant – insurer

CORAM : PRITHVIRAJ K. CHAVAN, J.

DATED : 9th APRIL, 2021
(Through Video Conferencing)

P.C.

1. Heard Mr. Bohade, learned Counsel for the applicants. He seeks withdrawal of the amount of compensation awarded by the Tribunal on the ground that applicant no.1 is the widowed mother of the deceased and applicant nos. 2 to 4 are his real sisters, who are prosecuting their studies. Because of the untimely death of the deceased who was a pillar and young boy of 28 years old, there is no source of income to the surviving applicants. It is also submitted that due to lockdown pursuant to Covid-19 situation in the country, it is difficult for the applicants to survive and meet both ends.

2. Mr. Mehta, learned Counsel for the insurer however, objects

withdrawal of the amount by stating that the appellant has a chance of succeeding in the appeal.

3. Having considered the respective submissions, at this stage, looking to the reasons stated in the application, more particularly in paragraph 5, I permit the applicants to withdraw 50% of the amount with accrued interest. The applicants 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.

4. 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.

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 If 50% amount is withdrawn by the applicants, balance amount shall be invested by the M.A.C.T in a fixed deposit as stated above, in a Nationalized Bank.

6. The application stands disposed of.

(PRITHVIRAJ K. CHAVAN, J.)