

Ajay

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**INTERIM APPLICATION NO.1114 OF 2021
IN
FIRST APPEAL (ST) NO.18665 OF 2018
(R.C. NO.52 OF 2019)**

Pramiladevi @ Pramila Rajesh Chauhan
and Ors. .. Applicants

Versus

Bajaj Allianz General Insurance Co. Ltd.
and Anr. .. Respondents

.....
Mr. Tejpal Shrikant Ingale, Advocate for the Applicants.

Mr. Sarthak S. Diwan, Advocate for Respondent No.1 -
Insurance Company.

.....
CORAM : MILIND N. JADHAV, J.
DATE : MAY 05 2021.
(Through Video Conferencing)

P.C.:

Heard.

2. The Applicant No.1 is the widow, Applicant Nos.2 to 4 are the children and Applicant No.5 is the mother of the deceased. The deceased was employed with Respondent No.2 as a cleaner. While in service deceased died in the accident on 27.08.2013.

3. By judgment and award dated 16.08.2017 the trial Court partly allowed the application filed by the Applicants for compensation and directed the Respondents to pay to the

Applicants compensation of Rs.6,64,760.00 with interest @ 12% per annum from one month after the date of accident till realization of the amount and also further directed to pay penalty of 50% of the compensation amount the Applicants.

4. It is stated by the Applicants that the Respondent No.1 as deposited the compensation amount of Rs.10,82,193.00 on 01.01.2019. The Applicants being dependent on the income of the deceased, are in need of financial assistance. Hence this application is for allowing them to withdraw the sum of Rs.7,50,000.00 out the compensation amount of Rs.10,82,193.00 deposited by Respondent No.1 in the Trial Court.

5. Mr. Sarthak Diwan, learned counsel appearing for the Respondent No.1, on instructions states that Respondents have no objection for Applicants seeking 50% withdrawal of the compensation amount deposited by them in the Trial Court.

6. In view of the above and looking in to the financial needs of the Applicants, the Applicants are permitted to withdraw 50% of the deposited amount before the Trial Court on giving usual undertaking to the satisfaction of the Trial Court.

7. In view of the above, Interim Application stands disposed of.

[MILIND N. JADHAV, J.]