

Uday S. Jagtap

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

**INTERIM APPLICATION (ST.) NO. 93321 OF 2020
ION
FIRST APPEAL (ST.) NO. 21687 OF 2018**

Shaila Jainath Waghmare & Ors. .. Applicants

Vs.

National Insurance Co. Ltd., & Anr. .. Respondents

.....

Mr. T. J. Mendon for the applicants

Mr. Rahul Mehta i/b KMC Legal Venture for respondents – orig.
appellants

CORAM : PRITHVIRAJ K. CHAVAN, J.

DATED : 11th JANUARY, 2021

P.C.

1. This is an application for withdrawal of the amount of award deposited in the Tribunal by the respondent – insurer.

2. Mr. Mehta, learned Counsel for respondent – insurer submits that the entire amount has been deposited in the Tribunal. He objects the prayer of the applicants for withdrawal of the entire amount.

3. Mr. Mendon, learned Counsel for the applicants submits that after the death of deceased in a motor vehicle accident, the applicants are deprived of any financial help and are undergoing great deal of hardship. They are finding it difficult even to meet their day-to-day expenses.

4. At this stage, the applicants are permitted to withdraw 50% of the amount of award deposited in the Tribunal.
5. After withdrawal of the 50% of the amount by the applicants, the M.A.C.T. shall invest the balance amount in a fixed deposit of a nationalized bank initially for a period of one year and thereafter for one year again after obtaining further orders from this Court.
6. The applicants shall give an undertaking before the M.A.C.T. that in case the appellant succeeds in appeal, the applicants shall refund the amount with interest at such rate as may be decided by this Court depending upon the outcome of the first appeal.
7. In view of the aforesaid observations, the application stands disposed of.
8. All parties as well as M.A.C.T. to act on an authenticated copy of this order.

(PRITHVIRAJ K. CHAVAN, J.)