Shailaja

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO.70 OF 2021

IN

FIRST APPEAL [STAMP] NO.5458 OF 2020

Shobha Navnath Gore and another] Applicants

Vs.

Divisional Manager Reliance]
General Insurance Co. Ltd and another] Respondents

.....

Mr. Pritesh K. Bohade, for Applicants.

Ms. Kalpana Trivedi, for Respondent No.1-Insurer.

.....

CORAM : PRITHVIRAJ K. CHAVAN, J.

DATE : 15th MARCH, 2021.

P.C.

1. Applicants-original claimants have moved an application seeking withdrawal of the amount of compensation awarded by the learned Member, M.A.C.T, Nashik in M.A.C.P No. 784 of 2016 on 9th December, 2019.

2. Heard Mr. Bohade, learned Counsel for the applicants.

3. Reasons justifying withdrawal has been stated in paragraph 5 of the application. It is contended that after death of the deceased, entire life of the applicants has been disturbed and they

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are still suffering from the trauma. The deceased was the only son, they lost in the accident who was aged about 25 years and was likely to become Chartered Accountant.

4. Ms. Trivedi, learned Counsel for the respondent-insurer is gracious enough to permit the applicants to withdraw 50% of the amount of compensation.

5. Having considered the reasons stated in the application, at this stage, I permit the applicants to withdraw 50% of the amount of compensation with accrued interest.

6. At the time of withdrawing 50% amount of compensation, applicants shall file an undertaking before M.A.C.T, Nashik that if respondent-insuer succeeds in the appeal, they will refund the amount with interest at such rate as would be directed by this Court depending upon the outcome of the first appeal.

7. If the applicants do not file an undertaking at the time of withdrawing the amount, the amount deposited by the respondent-insurer 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.

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 If 50% amount is withdrawn by the applicants, balance amount shall be invested by the M.A.C.T in a fixed deposit as stated above, in a Nationalized Bank.

9. The application stands disposed of.

[PRITHVIRAJ K. CHAVAN, J.]