

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

**INTERIM APPLICATION NO. 1135 OF 2021
IN
FIRST APPEAL (ST) NO. 19781 OF 2019**

Smt. Jarinabano Mohd. Atique Ansari
& Ors. ..Applicants

v/s.

Bajaj Allianz General Ins. Co. Ltd.
through its Divisional Officer. ..Respondent

Mr. Pritesh Bohade for the Applicant.
Mr. Sarthak Diwan for the Respondent.

**CORAM : ANUJA PRABHUDESSAI, J.
DATED : JUNE 23, 2021.**

P.C.

1. The Applicants herein have filed this Application for withdrawal of compensation deposited by the Appellant Insurance Company in terms of judgment and award dated 15.03.2019. By the impugned judgment, the Claims Tribunal awarded compensation of Rs.12,79,600/- with interest @ 8% per anum.
2. By order dated 18.7.2019, this Court had allowed the Applicant No.1- widow to withdraw an amount of Rs.2,00,000/- and the Applicant Nos.3 and 4, being the parents of the deceased

to withdraw an amount of Rs.50,000/- each, with proportionate interest accrued thereon. Liberty was granted to the Applicants to seek further withdrawal, pursuant to which the Applicants have filed the present application.

3. It is stated that the Applicant No.1, who is the widow of the deceased is a housewife and she has no independent source of income. The Applicant No.2 is stated to be a student and the Applicant Nos.3 and 4 who are the parents of the deceased are senior citizens, also with no source of income. The Applicants have stated that they are in need of money for their day to day expenditure.

4. Having considered the grounds raised by the Appellant insurance company in the appeal memo as well as the reasons stated in the Application, in my considered view the Applicant No.1 is entitled to withdraw further sum of Rs.2,00,000/- (Rs. Two Lakhs Only), and the Applicant Nos.3 and 4 are entitled to withdraw sum of Rs.50,000/- (Rupees Fifty Thousand Only) each with proportionate interest accrued thereon. The Applicant No.2 is a minor. Hence I am not inclined to allow withdrawal of any amount on her behalf. Needless to state that the withdrawal will

be subject to the final outcome of the appeal.

5. The Applicants shall furnish an undertaking before the tribunal that they will abide by the final orders that may be passed in this appeal.

6. The MACT, to re-invest the balance amount in the names of the respective Applicants, in any nationalized bank after making the payment as stated above.

7. Civil application stands disposed of.

(ANUJA PRABHUDESSAI, J.)