

Santosh

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

**CIVIL APPLICATION NO. 1516 OF 2019
IN
FIRST APPEAL NO. 1114 OF 2017**

Saloni @ Saloni Rajesh Kamble & ors. ...Applicants

In the matter between

Reliance General Insurance Co. Ltd. ...Appellant

Versus

Saloni @ Saloni Rajesh Kamble & ors. ...Respondents

Mr. Bhavesh Magam, h/f Mr. Kedar Lad, for the Applicants.

Mr. Rahul Mehta, i/b KMC Legal Venture, for the Appellants
in FA/for the Respondents in CA.

CORAM: N. J. JAMADAR, J.

DATED : 25th OCTOBER, 2021

PC:-

1. This is an application for withdrawal of the amount of compensation deposited by the appellant – insurer in terms of the Award in MACP No.89 of 2014, dated 16th March, 2017, passed by the learned Member, MACT, Kolhapur.

2. Heard the learned Counsel for the applicants – appellant – insurer.

3. The learned Counsel for the appellant – insurer resisted the application on the ground that there is fair chance of success in the appeal and in the event the amount is allowed to be withdrawn and subsequently appeal is allowed, the insurer would suffer prejudice.

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4. In the application, applicant nos.1 to 3, who are the wife and minor children of the deceased and applicant no.5, who is the mother of the deceased, have made averments in justification of the prayer for withdrawal. In the light of the situation in life the claim of the applicants that, they require the amount to meet the necessities of the life, cannot be said to be unreasonable. The concern of the appellant – insurer can be taken care of by imposing appropriate conditions.

5. Hence, the following order:

: O r d e r :

- (i) The application stands allowed.
- (ii) Applicant nos.1 to 3 and 5 are permitted to withdraw 50% of the amount of compensation falling to their respective shares alongwith the interest accrued thereon, subject to furnishing an undertaking, before the Tribunal that, in the event the appeal is allowed the applicants will bring back the amount alongwith interest at such rate as may be decided by the Court.
- (iii) The application stands disposed of.

[N. J. JAMADAR, J.]