

VISHAL
SUBHASH
PAREKAR

Sonali Hemant Gawade and Another ...Applicants
vs.
Reliance General Insurance Co.Ltd., Mumbai ...Respondent

Ms. Varsha Chavan, for the Applicants.
Mr. Pandit Kasar, for the Respondent.

CORAM : N. J. JAMADAR, J.
DATE : OCTOBER 27, 2021

10 Heard the learned counsel for the parties.

3. The applicant No.1 is the widow of the deceased and applicant No. 2 is the daughter of the deceased. The claim of the applicants that they require the amount for the necessities of life, can hardly be disputed.

4. The learned counsel for the respondent/insurer resisted the application on the ground that the appellant has a strong case on merits. In the event the applicants are allowed to withdraw the

amount of compensation and eventually the appeal is allowed, the appellant would suffer prejudice.

5. The concern on the part of the appellant/insurer can be taken care of by imposing appropriate conditions while allowing the applicant No. 1 only, to withdraw a portion of the amount of compensation falling to her share.

Hence, the following order.

ORDER

- 1] The application stands partly allowed.
- 2] The applicant No. 1 is permitted to withdraw 60% of the amount of compensation falling to her share along with interest accrued thereon subject to furnishing an undertaking before the Tribunal to bring back the amount in the event the appeal is allowed and it is held that the applicants-claimants are not entitled to the compensation.
- 3] The application accordingly stands disposed of.

(N. J. JAMADAR, J.)