Shailaja

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.3681 OF 2019

IN

FIRST APPEAL NO.1051 OF 2019

Swati Sachin Jadhav and another.] Applicants

Vs.

Divisional Manager, Bajaj Allianz]
Insurance Co. Ltd and another.] Respondents

.....

Mr. Pritesh K. Bohade, for Applicants.

Mr. Sarthak Diwan i/b Mr. M.M. Sathaye, for Respondents.

.....

CORAM : PRITHVIRAJ K. CHAVAN, J.

DATE : 3rd FEBRUARY, 2021.

P.C:

1. This is an application for withdrawal of the decretal amount deposited by the respondent-insurer in M.A.C.T, Nashik in M.A.C.P No.167 of 2011.

2. Heard learned Counsel for the applicant.

3. Learned Counsel for the applicant submits that due to the death of husband of applicant No.1, entire life of the applicants is disturbed and they are still suffering from trauma. Due to pandemic of Covid-19, the applicants have no source of income for their survival and, therefore, they are in need of money.

4. Learned Counsel for the respondent-insurer objects for withdrawal of the amount by contending that the respondent-insurer has a good case on merits.

5. For the reasons stated in the application, the applicants are permitted to withdraw 50% of the amount deposited by the respondent-insurer before the concerned M.A.C.T with accrued interest, upon furnishing an undertaking within one week that if the respondent-insurer succeeds in the appeal, the applicants shall return the amount with interest at such rate as would be directed by this Court, depending upon the outcome of the first appeal.

6. If the applicants do not file undertaking within the aforesaid period, 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.

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 If 50% amount is withdrawn by the applicants, balance amount shall be invested by the M.A.C.T in a fixed deposit as stated above, in a Nationalized Bank.

8. The application stands disposed of.

[PRITHVIRAJ K. CHAVAN, J.]