

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

**CIVIL APPLICATION NO.2347 OF 2019
IN
FIRST APPEAL NO.1144 OF 2019**

Shriram L. Tandel & Ors.]...Applicants

Vs.

Reliance General Insurance Co. Ltd.& Anr.]... Respondents.

IN THE MATTER BETWEEN:

Reliance General Insurance Co. Ltd.]... Appellant.

Vs.

Shriram L. Tandel & Ors.]... Respondents.

.....

Mr.Sanjay A. Ghaisas, Advocate for applicant in CAF 2347/2019 and for respondents in FA 1144/2019.

Mr. Rahul Mehta, i/b KMC Legal Venture for appellant in FA 1144/2019.

CORAM : PRITHVIRAJ K. CHAVAN, J.

DATE : 8TH MARCH, 2021.

P.C. :

1. The parents and the sister of the deceased have prayed for permission to withdraw the amount of compensation awarded by M.A.C.T., Raigad at Alibag.

2. Heard Mr.Sanjay Ghaisas, the learned Counsel for the applicants. My attention is drawn to paragraph 6 of the application wherein the applicants have stated necessities for which withdrawal of amount of compensation is essential.

3. In short, it is stated that, due to untimely death of their son at the age of 23 years, parents are in deep shock due to which, they are unable to do any work. Earlier they were doing labour work on daily wages. They do not have any independent source of income. Applicant no.3 is of marriageable age and therefore, the family requires some amount for performing her marriage. Apart from that, they require the amount for their day to day expenses.

4. Mr.Rahul Mehta, the learned Counsel for the appellant, objects withdrawal of the entire amount by stating that the appellant has a good case on merits.

5. Having considered the submissions made at bar, at this stage, for reasons stated in the application, the applicants are permitted to withdraw 50% of the amount of compensation with accrued interest.

6. The applicants shall give an Undertakings that in case the appeal succeeds, they will refund the amount with interest as per outcome of the appeal.

7. Application stands disposed of.

(PRITHVIRAJ K.CHAVAN,J.)