

Ajay

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

**INTERIM APPLICATION NO.681 OF 2021
IN
FIRST APPEAL NO.582 OF 2018**

Samita Ashok Nighot and Ors .. Applicants

IN THE MATTER BETWEEN

Reliance General Insurance Co. Ltd. .. Appellant

Versus

Samita Ashok Nighot & Ors. .. Respondents

.....
Mr. Balasaheb G. Ligade, Advocate for the Applicants.

Ms. Madhuri More, Advocate for Respondent No.1 - Insurance Company.

.....
CORAM : MILIND N. JADHAV, J.

DATE : MAY 05 2021.

(Through Video Conferencing)

P.C.:

Heard.

2. This Interim Application seeks withdrawal of amount deposited by the Appellant - Insurance Company in the Trial Court. The Application has been taken out by the original Respondent Nos.1 to 3, 6 and 7 stating that the deceased was the sole earning member of the Applicants' family and most importantly the two children of the deceased i.e. the Applicant Nos.2 and 3 have now passed their SSC

examination with good marks and are seeking admission to ITI course in Samarth (PVT) Industrial Training Institute, Belhe, Tal. Junnar, Dist. Pune.

3. In paragraph Nos.7 to 9, the Applicants have detailed their need and requirement in terms of financial help required for payment of fees in respect of the two children for getting admission to ITI course and engineering course. The Applicants have also furnished the detailed fee structure of the concerned course at Exhibit "D" to the application so as to enable them to take admission and not waste their academic year. A further grievance is made that the Applicant Nos.6 and 7 are the parents of the deceased; are very old and require medical treatment and medical expenses. Overall the averments made in paragraph Nos.7 to 9 certainly evoke the sympathy of this Court.

4. The counsel for the Applicant has pressed for the Court for release of the 50% of the deposited amount, considering the requirement expressed in paragraph Nos.8 and 9 of the application.

5. Learned counsel appearing for the Insurance Company has taken a very fair stand after obtaining

instructions. Learned counsel states that the sum of Rs.5,00,000.00 be released out of the deposited amount to the Applicants to meet their requirement as prayed for in the application. This stand of the learned counsel appearing on behalf of the Insurance Company is highly appreciated by the Court.

5. In view of the above, Applicants are permitted to withdraw the sum of Rs.5,00,000.00 (Rupees Five Lacs Only) from the amount deposited by the Insurance Company in the Trial Court.

6. The Applicants state that they shall move the application for seeking withdrawal of above amount within a period of two weeks from today.

7. Interim Application stands disposed of in the above terms.

8. Parties to act on an authenticated copy of this order.

[MILIND N. JADHAV, J.]