Uday S. Jagtap

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 534 OF 2019
IN
FIRST APPEAL (ST.) NO. 3676 OF 2018

Utkarsha Santosh Deshmukh & Ors. .. Applicants

In the matter between
Bajaj Allianz General Insurance Co. Ltd. .. Appellant
Vs.
Utkarsha Santosh Deshmukh & Ors. .. Respondents

.....

Mr. Yuvraj P. Narvankar for the applicants / orig. respondents
Mr. D.S. Joshi for the appellant – insurer

CORAM : PRITHVIRAJ K. CHAVAN, J.

DATED : 25th FEBRUARY, 2021

P.C.

1. This is an application for withdrawal of the amount of compensation awarded by M.A.C.T., Baramati, Dist. Pune in M.A.C.P. No. 84 of 2011.

2. Heard the learned Counsel for the applicants.

3. It seems that the applicants have suffered due to death of their parents. The next friend of the applicants has, therefore, prayed for withdrawal of the amount of compensation to meet day-to-day expenses of the children since there are extreme financial constraints.

4. The application is opposed by Mr. Joshi, representing the appellant – insurer.

5. However, considering the facts stated in the application, at this stage, the next friend is permitted to withdraw 50% of the amount for and on behalf of the children of the deceased. At the time of withdrawal, the next friend shall give an undertaking within two weeks that in case the appellant succeeds, she would refund 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 next friend of the applicants does not file an undertaking within the aforesaid period, the amount deposited by the appellant - insurer shall be invested by the M.A.C.T in a fixed deposit in any 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 If 50% amount is withdrawn by the applicants, balance amount shall be invested by the M.A.C.T in a fixed deposit as stated above, in a Nationalized Bank.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.)