

Santosh

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

**CIVIL APPLICATION NO. 2804 OF 2019
IN
FIRST APPEAL NO. 1240 OF 2019**

**SANTOSH
SUBHASH
KULKARNI**

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SANTOSH SUBHASH
KULKARNI
Date: 2021.12.23
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Dr. Shobha Santosh Javkar & ors. ...Applicants

In the matter between

Shriram General Insurance Co. Ltd. ...Appellant

Versus

Dr. Shobha Santosh Javkar & ors. ...Respondents

Mr. Kiran Yadav, i/b Avinash Gokhale, for the Applicants.

Mr. Rahul Mehta, i/b KMC Legal Venture, for the Respondent/
Appellant.

CORAM: N. J. JAMADAR, J.

DATED : 22nd DECEMBER, 2021

PC:-

1. Heard Mr. Yadav, the learned Counsel for the applicants/original claimants and Mr. Mehta, the learned Counsel for the appellant – insurer.

2. For the reasons assigned in the application, the requirement of the amount for the applicants to meet the necessities of life can hardly be disputed.

3. Hence, the application stands allowed.

4. The applicants – original claimants are permitted to withdraw 50% of the amount of compensation deposited by the appellant – insurer along with interest accrued thereon, falling to their respective shares, in terms of the impugned judgment

and award in Application No.1237 of 2011, dated 7th July, 2017, passed by the learned Member, MACT, Mumbai, subject to furnishing an undertaking before the Tribunal to bring back the said amount along with interest at such rate as may be decided by this Court, in the event the appeal is allowed and it is held that the applicants are not entitled to compensation.

[N. J. JAMADAR, J.]