

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
INTERIM APPLICATION NO. 2963 OF 2021
IN
FIRST APPEAL NO. 1557 of 2016

Smt. Reshma Gulzar Shaikh	.. Applicant
Versus	
Bajaj Allianz General Insurance Co.Ltd	.. Respondent

...

Ms.Rina Kundu for the applicant.
Mr.M.M. Sathaye for the appellant.

CORAM: BHARATI DANGRE, J.
DATED : 25th OCTOBER 2021.

P.C:-

1 There is some dispute between the parties about the amount being deposited by the appellant in furtherance of the order passed by this Court directing them to deposit the entire decretal amount, subject to which the stay was granted.

2 Registry record that an amount of Rs.9,57,093/- is deposited in Kalyan Court on 8th February 2016 in MSAP No.281 of 2008. The submission of learned counsel for the applicant is however to the effect that an amount of Rs.11,07,093/- has been deposited. Registry is directed to verify the said disparity.

Tilak

3 By the present application, the applicants seek withdrawal of some more amount, since by an earlier order passed on 21st June 2019, an amount of Rs.1,00,000/- and Rs.50,000/- was permitted to be withdrawn by the applicant nos.1 and 2 respectively.

4 Heard learned counsel for the applicant and the counsel for the Insurance Company. The applicant in the Application has set out the necessity of moving the said application and it is stated that the amount is required for attending medical issues of applicant no.2 and that the family is in dire need of money to cater to their day-to-day expenses as well as attend to the education of applicant no.3.

Since the reason set out appear to be a justifiable one, I am inclined to permit withdrawal of amount of Rs.4 lakhs by the applicants which will ensure their sustenance and also to cater to the educational needs of the applicant no.3, who is now aged 16. The amount is permitted to be withdrawn subject to the stipulation that the applicant nos.1 and 2 shall file an undertaking in MACT Kalyan, that in case of reversal of the impugned judgment in the Appeal, they shall remit back the amount to the appellant with interest as would be determined at the time of the decision. The said undertaking shall be submitted within a period of two weeks from today.

On the said undertaking being submitted, the learned Tribunal shall permit withdrawal of the amount of Rs.Four lakhs by the applicants.

5 Application is disposed of accordingly.

SMT. BHARATI DANGRE, J