

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

**CIVIL APPLICATION NO. 134 OF 2020
IN
FIRST APPEAL (ST) NO. 12856 OF 2015**

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KULKARNI

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Ramdas Gopalrao Suryawanshi & anr.	...Applicants
In the matter between	
The New India Insurance Co. Ltd.	...Appellant
Versus	
Ramdas Gopalrao Suryawanshi & anr.	...Respondents

Ms. Riddhi Natekar, h/f Yuvraj Narvankar, for the Applicants/
Respondents in FA.
None for the Respondent in IA/Appellant in FA.

CORAM: N. J. JAMADAR, J.

DATED : 14th OCTOBER, 2021

PC:-

1. This is an application seeking permission to withdraw the amount of compensation deposited by the appellant – insurer in terms of the Award in MACP No.738 of 2010, dated 14th November, 2014, passed by the learned Member, MACT, Pune.
2. The applicants are the parents of the deceased. The applicants claim that they require the amount to meet the necessities of life. The deceased was the sole earning member of the family. Due to advancement of age, the applicants find it difficult to sustain themselves.
3. None appears for the respondent – appellant.

4. The accident, in question, occurred in the year 2010. The impugned Award seems to have been passed on 14th November, 2014. In the circumstances, the claim of the applicants that they require the amount to meet the necessities of life, cannot be said to be unsustainable. In any event, the concern of the appellant – insurer can be taken care of by directing the applicants to furnish an undertaking to bring back the amount in the event the appeal is allowed.

5. Hence, the following order:

: O r d e r :

- (i) The application stands partly allowed.
- (ii) The applicants are permitted to withdraw 50% of the amount of compensation alongwith interest accrued thereon in terms of the Award dated 14th November, 2014, subject to furnishing an undertaking before the Tribunal, to bring back the said amount alongwith interest at such rate as may be directed by the Court, in the event the appeal is allowed and it is held that the applicants are not entitled to compensation.
- (iii) The application stands disposed of.

[N. J. JAMADAR, J.]