

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO.152 OF 2021
IN
FIRST APPEAL NO.14 OF 2017

Poonam Parmender Malik & Ors.] ...Applicants

Versus

Reliance General Insurance Company]
Limited.] ... Respondent

Ms. Shalini Shankar for Applicants.

Ms. Amrin Khan i/b Mr. Avinash M. Gokhale for Respondent Nos.1 to 4.

CORAM :- PRITHVIRAJ K. CHAVAN, J.
DATE :- 07 APRIL, 2021
(THROUGH VIDEO CONFERENCING)

P. C. :-

1. This is an application filed for withdrawal of amount of compensation on the ground that the Applicants / Claimants are the widow and parents of the deceased who were dependent on him. They do not have any independent source of income. The children of the deceased are minor and therefore, are in need of money for their education as well as for their survival. Learned Counsel for the insurer has no objection for permitting some amount to be withdrawn for the reasons stated in the application.

2. For the reasons as above, the Applicants are permitted to withdraw 70% of the amount of the compensation with accrued interest.

3. At the time of withdrawal of the amount of compensation as above, the Applicant shall give an undertaking that in case the appeal succeeds, they shall refund the amount with interest as would be directed by this Court depending upon the outcome of the final result.

4. The Application is accordingly disposed of.

5. The Appeal has already been dismissed insofar as the Respondent Nos.1, 4 & 5 are concerned by virtue of an order dated 14/11/2017 passed by the Registrar (Judicial-II) for not taking steps to effect service.

(PRITHVIRAJ K. CHAVAN, J.)