Uday S. Jagtap

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 905 OF 2019
IN
FIRST APPEAL (ST.) NO. 29462 OF 2018

Smt. Pushpa Mahadeo Bagade & Ors. .. Applicants

In the matter between
The New India Assurance Co. Ltd., .. Appellant

Vs.
Smt. Pushpa Mahadeo Bagade & Ors. .. Respondents

.....

Mr. Ghanasham S. Jadhav for the applicants
Ms. Poonam Mital for the appellant – insurer

CORAM : PRITHVIRAJ K. CHAVAN, J.

DATED : 28th JANUARY, 2021

P.C.

1. A praecipe is moved by the applicants – claimants for withdrawal of the amount of compensation awarded by the M.A.C.T., Baramati, Dist. Pune in M.A.C.P. No. 189 of 2015 by contending that the claimants are in extreme need of money for their survival. It is contended that the claimants area facing tremendous financial difficulties and are required to obtain loan.

2. The learned Counsel for the appellant – insurer however, objected the withdrawal by contending that the appellant is likely to succeed in the appeal on merits.

3. Having taken into consideration the respective submissions, at

this stage, the applicants – claimants are permitted to withdraw 50% of the amount of compensation with accrued interest. The M.A.C.T. shall pay the amount of compensation to each of the applicants – claimants by taking into consideration their respective requirements.

4. The applicants are permitted to withdraw 50% of the amount deposited by the appellant – insurer before the concerned M.A.C.T upon furnishing an undertaking within one week that if the appellant succeeds in the appeal, the applicants shall return the amount with interest at such rate as would be directed by this Court, depending upon the outcome of the first appeal.

4. If the applicants do 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 the fixed deposit of a Nationalized Bank for a period of one year and thereafter for one more year again after obtaining order from this Court.

5. If 50% amount is withdrawn by the applicants, balance amount shall be invested by the M.A.C.T in a fixed deposit as stated above, in a Nationalized Bank.

6. The application stands disposed of.

(PRITHVIRAJ K. CHAVAN, J.)