Shailaja

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO.2712 OF 2019

IN

FIRST APPEAL [STAMP] NO.16459 OF 2019

Pratibha Vikas Bhat and others.	**]**	**Applicants**
vs.		
Reliance General Insurance Co. Ltd	**]**	
and others.	**]**	**Respondents**

.....

Mr. Pritesh Bohade, for Applicants.

Ms. Shalini Shankar, for Respondent No.1-Insurer.

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CORAM : PRITHVIRAJ K. CHAVAN, J.

DATE : 15th MARCH, 2021.

P.C.

1. Applicants-original claimants have moved this application seeking withdrawal of the amount of compensation awarded by the learned Member, M.A.C.T, Nashik on 14th September, 2018 in M.A.C.P No.202 of 2015.

2. Heard Mr. Bohade, learned Counsel for the applicants.

3. It is submitted that respondents No.2 and 3 are senior citizens and respondent No.1 is the widow of the deceased. They are facing financial difficulties and are starving. They do not have

any source of income. Accident took place way back in 2015 and, therefore, they seek withdrawal of the amount of compensation.

4. Learned Counsel appearing for respondent No.1-insurer, however, objects for withdrawal of the amount of compensation.

5. Having considered the reasons given in the application, at this stage, I permit the applicants to withdraw 50% of the amount of compensation with accrued interest.

6. 50% amount of compensation withdrawn by the applicants shall be invested in the Fixed Deposit in any Nationalized Bank of the choice of the applicants for a period of two years.

7. The applicants are at liberty to withdraw periodical interest from the said Fixed Deposit to meet with their day-to-day necessary expenses.

8. The applicants shall file an undertaking before M.A.C.T, that if respondent No.1-insurer succeeds in the appeal, they will refund the amount with interest at such rate as would be directed by this Court depending upon the outcome of the first appeal. Undertaking shall be filed by the applicants at the time of withdrawing the amount.

9. If the applicants do not file an undertaking at the time of withdrawing the amount, the amount deposited by the respondent-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.

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 If 50% amount is withdrawn by the applicants, balance amount shall be invested by the M.A.C.T in a fixed deposit as stated above, in a Nationalized Bank.

11. The application stands disposed of.

[PRITHVIRAJ K. CHAVAN, J.]