

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CIVIL APPLICATION (F) NO. 1361 OF 2021
IN FIRST APPEAL ST. NO. 863 OF 2021

(Reliance General Insurance Co. Ltd. Vs. Smt. Kankamma wd/o Laxmaiah & Ors.)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.

Court's or Judge's orders.

Shri D.N. Kukday, Advocate for the appellant.
Shri S.O. Ahmed, Advocate for respondent Nos. 1 to
4.

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CORAM : PUSHPA V. GANEDIWALA, J.
JULY 28, 2021.

Heard.

2] This is an application filed on behalf of
the applicants/ respondent Nos.1 to 4 seeking
withdrawal of the decretal amount deposited by the
appellant.

3] Perused the application and the
impugned judgment and award.

4] It is stated that the applicants/
respondent Nos.1 to 4 are in dire need of money due
to the financial crisis they are facing, as they are not
having any source of income.

It is further stated that respondent No.1
is the widow and that respondent Nos.2 to 4 are the

daughter of the deceased. It is stated that due to the financial crisis, the marriage of the daughters of the deceased could not be performed.

5] In the given facts, so also considering the reasons mentioned in the application, the applicants/ respondent Nos.1 to 4 are permitted to withdraw 50% of the decretal amount, deposited by the appellant, with accrued interest thereon on furnishing usual undertaking before the Registrar (Judicial).

6] The Registry is directed to deposit the aforesaid amount in the joint account of the applicants/ respondent Nos.1 to 4 within two weeks from the date the details of the joint account is submitted by their learned counsel.

7] The applicants/ respondent Nos. 1 to 4 are at liberty to move fresh application for withdrawal of remaining 25% of the decretal amount, if the appeal could not be heard within a period of one year.

8] Civil Application stands disposed of.

CIVIL APPLICATION (F) NO. 346 OF 2021.

9] Issue notice to the respondents, returnable after four weeks.

10] Shri Ahmed, learned counsel, waives service of notice for respondent Nos.1 to 4.

11] Hamdast allowed.

JUDGE

Sumit