

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

**INTERIM APPLICATION NO.735 OF 2022
IN
FIRST APPEAL NO.504 OF 2017**

Fakir Aabu Qureshi (since
deceased through Lrs.2 to 6)

2. Najma Fakir Qureshi and Ors.

...Applicants.

Versus

The New India Assurance Co. Ltd.

...Respondent

....

Mr. Girish P. Agarwal for Applicants

Mr. Sandeep Jinsiwale for the Appellants/Respondent.

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATED : 2nd MARCH, 2022.

P.C.:-

1. By this application, the Applicant has sought to modify the arrangements as directed in Sub paragraph (iii) of paragraph 5 of order dated 18/04/2017 in Civil Application No.1098 of 2017 and further to permit the Applicants to withdraw the amount deposited by the Appellant-insurance company pursuant to order dated 03/03/2016 passed by this Court.

2. The Applicant No.3 is the mother of Respondent Nos.4, 5 and

6, who are minor children of the Applicant No.3 and the deceased. By order dated 18/04/2017 this Court had allowed Applicant Nos.2 and 3 to withdraw amount of Rs.1,50,000/- and Rs.7,00,000/- respectively and the balance amount payable to the minor children was ordered to be invested in fixed deposit in any nationalised bank initially for a period of two years with interest payable quarterly. Interest was directed to be credited to the Registrar of M.A.C.T., Satara and directions were given to pay the same to the Applicant without any security.

3. Learned counsel for the Applicant/Respondent No.3 submits that investment was ordered only for an initial period of two years. There is no specific direction for renewal of the fixed deposit after two years. He states that the Applicant/Respondent No.3, who is the mother of Respondent Nos.4, 5 and 6 be permitted to withdraw the interest credited to the account for maintenance and other miscellaneous expenditures of the minor children.

4. Having considered the records, the Registrar of M.A.C.T., Satara, is directed to ensure that the fixed deposit is further renewed from time to time till the Respondent Nos.4, 5 and 6 attain the age of majority. In compliance with the order dated 18/04/2017, quarterly interest shall

be credited to the account of Registrar of M.A.C.T., Satara with further directions to pay the said interest to Applicant No.3 without any security.

5. The application stands disposed of in above terms.

(SMT. ANUJA PRABHUDESSAI, J.)