

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

**INTERIM APPLICATION NO.18943 OF 2022
IN
FIRST APPEAL (STAMP) NO.14583 OF 2021**

Smt. Saloni Suraj Kolambe and Ors.

...Applicants

Versus

National Insurance Co. Ltd. and Anr.

...Respondents

...

Mr. Sanskar Marathe for the Applicants.

Mr. Amol Gatne for the Respondents.

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATED : 20th OCTOBER, 2022.

P. C. :-

1. The Applicants, who are original Claimants have sought withdrawal of the compensation deposited by the Appellant-Insurance Company as per the impugned Judgment dated 03/03/2020 passed by the M.A.C.T., Khed, District-Ratnagiri in M.A.C.P No.44 of 2015.

2. Having considered the reasons stated in the application and the grounds raised in the appeal memo, the Applicant No.1, widow of the deceased is permitted to withdraw 20% of the compensation with proportionate interest accrued thereon and Applicant No.3, mother of the deceased is permitted to withdraw 5% of the compensation with

proportionate interest accrued thereon. Applicant No.2 is minor daughter hence I am not inclined to allow withdrawal of compensation on her behalf at this stage. Suffice it to say that the withdrawal will be subject to filing of an undertaking that the amount will be refunded with interest in the event the Appellant succeeds in the appeal.

3. Application stands disposed of.

(SMT. ANUJA PRABHUDESSAI, J.)