

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO.3775 OF 2020
IN
FIRST APPEAL NO.905 OF 2019

Smt.Malan Rambhaji Shinde

...Applicant

IN THE MATTER BETWEEN

The Oriental Insurance Co. Ltd.

...Appellant

Versus

Smt.Malan Rambhaji Shinde & Anr.

...Respondents

Mr.C.M. Lokesh i/b Mr.G.S. Hegde, for the Applicant.

Mr.Sandeep S. Jinsiwale for the Appellant.

Mr.Y.G. Thorat a/w Ms.Mallika R. Pujari h/f Mr.D.D. Shinde, for
Respondent No.2.

CORAM : S.G. DIGE, J.

DATE : 6 DECEMBER 2022

P.C:-

. Heard learned counsel for the Applicant and the
learned counsel for the Respondent.

2. The learned counsel for the Applicant submits that
the Applicant is mother of the deceased. The deceased was Karta
of the Family. The Accident is occurred in the year 2007. The
Applicant is 63 years old lady. She has having no source of

income. She needs the amount for her daily expenses and medical expenses. This Court has in connected group of matters permitted the Applicant therein to withdraw 50% of the amount. The Applicant has already permitted to withdraw Rs.2 Lakhs out of the deposited amount.

3. The learned counsel for the Respondent submitted that the Respondent has preferred an Appeal against the impugned judgment on the ground of the non involvement of the vehicle Respondent, if this Court has permitted the Applicant to withdraw the amount and the Respondents succeeds in the Appeal it would be difficult to recover the amount. Hence requested to dismiss the Application.

4. I have heard both the counsel.

5. The Applicant is mother of the deceased. She is old lady, she has no source of income. She needs the amount for her daily expenses and medical expenses.

6. This Court has already permitted the Applicant to withdraw Rs.2 Lakhs out of the deposited amount, hence I pass following order:-

ORDER

(i) The Application is allowed.

- (ii) The Applicant is permitted to withdraw Rs.75,000/- along with accrued interest out of the deposited amount.
- (iii) Call Record and Proceedings.
- (iv) Stand over to 24 January 2023.

(S.G. DIGE, J.)