

R.M. AMBERKAR
(Private Secretary)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

FIRST APPEAL NO. 1202 OF 2019
WITH
INTERIM APPLICATION NO. 10304 OF 2022

Iffco Tokio General Insurance Co Ltd .. Appellant

Versus

Nanasaheb @ Nanaji Thakaji Thakare & Ors. .. Respondents

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- Mr. Rajesh Kanojia a/w Ms. Riddhi Chavan i/by RES Juris for the Appellant
 - Mr. Ashwin Pimpale h/f Mr. Rameshwar N. Gite for Respondent Nos. 1 and 2
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CORAM : MILIND N. JADHAV, J.

DATE : JULY 22, 2022

P.C.:

1. Interim application No. 10304 of 2022 has been filed by the legal heirs of the deceased for seeking withdrawal of the amount deposited by the respondent insurance company in the trial court.

2. Mr. Pimpale, learned counsel appearing for the applicants submitted that the applicants were entirely dependent upon the deceased and his earnings. It is noted that the accident had taken place in the year 2012 and in that view of the matter, the justification given in paragraph No. 5 of the application deserves to be accepted.

3. Mr. Kanojia, learned counsel appearing for respondent - insurance company graciously submitted that in view of the application made and the facts of the present case, even though the

insurance company has not been served with the copy of the application, he has taken instructions and has instructions to submit that 25% of the deposited amount be allowed to be withdrawn by the applicants. Mr. Kanojia further submits that hearing of the First Appeal be expedited.

4. Both learned counsel jointly submit that an amount of Rs. 54,26,761/- has been deposited in the trial court.

5. In view of the above, the applicants are permitted to withdraw the amount of Rs. 15,00,000/- from the amount which has been deposited in the trial court. In the event, if the applicants make an application for withdrawal of the amount before the trial court, it shall be disposed of within one week from the date of its filing by the trial court.

6. Interim Application No. 10304 of 2022 stands disposed.

7. In view of the facts of the present case, hearing of the First Appeal is expedited and the matter shall be listed on **23rd September, 2022.**

8. Mr. Kanojia submitted that he shall file private paper book before the next date and serve a copy of the same on the respondents.

[MILIND N. JADHAV, J.]