

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

**INTERIM APPLICATION NO. 16677 OF 2022
IN
FIRST APPEAL (ST.) NO. 22668 OF 2018**

Mina Sudam Jadhav & Ors. ... Applicants

Versus

Ram Chandar Wagh & Anr. ... Respondents

In the matter of

Iffco Tokio General Ins. Co. Ltd. ... Appellant

Versus

Mina Sudam Jadhav & Ors. ... Respondents

Ms. Apoorva Maurya h/f Vikrant Parashurami for the Appellant.
Mr. T.J. Mendon for the Applicants.

CORAM : R.I. CHAGLA, J.

DATED : 6th DECEMBER, 2022.

ORDER :

1 Heard the learned Advocate for the parties.

2 By this Interim Application the Applicant is seeking
withdrawal of the amount deposited with the M.A.C.T., Raigad, Alibag in

M.A.C.P. No.354 of 2013. The Applicants have stated that the impugned judgment and award had been stayed upon the Appellant depositing the entire amount awarded by the M.A.C.T., Raigad, Alibag pursuant to order dated 22.07.2022 passed by this Court.

3 The Applicants state that the deceased was the bread earner of the family. Applicant No.1 is the widow, Applicant Nos.2 and 3 are the children and Applicant No.4 is the widow mother of the deceased. Due to death of the deceased in the accident the Applicants have lost support of their livelihood and have to depend on the other members of the family, friends and relatives for financial help. The Applicants are not in a position to spend any amount towards day-to-day expenses and was dependent on the income generated by the deceased.

4 This application has been opposed by the learned Advocate for the Appellant. He states that there are sufficient grounds of challenge raised in the First Appeal to the impugned judgment and award.

5 Having considered the averments in the Interim Application as well as objection raised by the learned Advocate for the Appellant for withdrawal of the amount deposited, in the interest of justice and considering that the Applicants are suffering great hardship and are not in a position to meet their day-to-day expenses, 50% of the amount

deposited by the Appellant with M.A.C.T., Raigad, Alibag, is required to be permitted to be withdrawn. Hence, the following order is passed :

- i) The Applicants are permitted to withdraw 50% of the amount deposited with proportionate interest by the Appellant with M.A.C.T., Raigad, Alibag upon furnishing an undertaking against the disbursement of the said amount that if the Appellant succeeds in the First Appeal, the Applicants shall return the amount with interest at such rate as determined by this Court.
- ii) Interim Application is accordingly disposed of.

(R.I. CHAGLA, J.)

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signed by
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