

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

**INTERIM APPLICATION NO. 18429 OF 2022
IN
FIRST APPEAL NO. 1260 OF 2018**

Darshana Dashrath Pawar & Ors. ... Applicants

Versus

Reliance General Insurance Co. Ltd. & Anr. ... Respondents

In the matter of

Reliance General Insurance Co. Ltd. ... Appellant

Versus

Darshana Dashrath Pawar & Ors. ... Respondents

Mr. T.J. Mendon for the Applicants/Respondents.

Mr. Nikhil Mehta i/b KMC Legal Venture for the Appellant.

CORAM : R.I. CHAGLA, J.

DATED : 23rd NOVEMBER, 2022.

ORDER :

1 By this Interim Application the Applicant is seeking withdrawal of the amount deposited in the M.A.C.T., Mangaon by the Appellant vide impugned judgment dated 07.04.2018.

2 The Applicants have submitted that they are widow, children and aged parents of the deceased who met with an accident on 04.11.2010 which resulted into death. The Applicants are completely depending on the income of the deceased and the deceased was the breadwinner of the family. The Applicants further state that due to sudden deprivation of income that was generated by the deceased, they have to rely upon friends and relatives for financial help for livelihood.

3 They further state that they do not have sufficient income for their livelihood and are totally dependent on friends and well wishers for their survival. Accordingly, the present Interim Application has been taken out.

4 By an order dated 25.03.2019, First Appeal has been admitted. The First Appeal has also been expedited by the said order.

5 Considering that the Appellant herein has deposited the entire amount awarded by the M.A.C.T., the impugned judgment has been stayed.

6 I am satisfied with the averments in the Interim Application that a case has been made out for partial withdrawal of the entire amount deposited in the M.A.C.T. by the Applicants. Accordingly, the following

order is passed :

- i) The Respondents are permitted to withdraw 50% of the entire amount deposited by the Appellant together with proportionate interest accrued and which application shall be made before the M.A.C.T.
- ii) The permission in (i) above is granted subject to the Applicant filing undertaking against the disbursal of the amount, to the effect that in the event the Applicants succeed in Appeal, the Respondent shall return the amount with interest as such rate as would be directed by this Court.
- iii) If the 50% amount is withdrawn by the Respondents, balance amount shall be invested by the M.A.C.T. in Fixed Deposit in a Nationalized Bank.
- iv) Interim Application is accordingly disposed of.

(R.I. CHAGLA, J.)

Digitally
signed by
WAISHALI
SUSHIL
WAGHMARE
Date:
2022.12.01
10:45:06
+0530