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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO.18553 OF 2022
IN
FIRST APPEAL NO.812 OF 2022

Mrs. Nalini Suresh Palan & Anr. ...Applicants
In the matter between
Cholamandalam Ms. Gen. Ins. Co. Ltd. ...Appellants

Versus

Mrs. Nalini Suresh Palan & Anr. ...Respondents

WITH
INTERIM APPLICATION NO.18550 OF 2022
IN
FIRST APPEAL NO.813 OF 2022

Mrs. Rajendra Shrirang Chavan & Ors. ...Applicants
In the matter between
Cholamandalam Ms. Gen. Ins. Co. Ltd. ...Appellants

Versus

Mrs. Rajendra Shrirang Chavan & Ors. ...Respondents

Rajesh Kanojia i/b. Res Juris for Appellant and Applicant in IA
No.16890 of 2022.

Mr. Ashish Agaskar, for Respondents and Applicants in IA No.18553
of 2022.

CORAM : R.I. CHAGLA J.
DATE : 25TH NOVEMBER, 2022.

ORDER :

1. By these Interim Applications, the Applicants are seeking

permission to withdraw the amount deposited by Insurance Company before the MACT which had been deposited with the MACT pursuant to the impugned judgment and order passed by MACT, Thane in MACP Nos.569 of 2017 and 570 of 2017. The execution and implementation of the impugned judgment and order has been stayed.

2. The Applicants state that the deceased was the only sole earning member of the family. The Applicants have further stated that they are required to bear all expenses of the entire house including themselves and further substantial expenses are incurred to take care of the medical ailments of their mother and educational expenses of the sister. Considering the averments in the Interim Application, a case is made out for withdrawal of the amount with MACT. Hence, the following order is passed:-

(i) The Respondents are at liberty to withdraw 50% of the amount deposited by the Appellant before the MACT upon furnishing an undertaking as against the disbursal of the said amount that if the Appellant succeeds in the Appeal, the Respondents shall return the amount with interest at such rate as would be directed by this Court depending upon the outcome of

the First Appeal.

(ii) If 50% amount is withdrawn by the Respondents, balance amount shall be invested by the MACT in a fixed deposit in a Nationalized Bank.

(iii) The Interim Application No.18550 of 2022 and Interim Application No.18553 of 2022 are disposed of.

[R.I. CHAGLA J.]