Uday S. Jagtap

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 3844 OF 2019
IN
FIRST APPEAL (ST.) NO. 32838 OF 2017

Smt. Shivmani Shankar Aiyappa and Ors. .. Applicants

Vs.

The New India Assurance Co. Ltd. & Anr. .. Respondents / Orig. appellant

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Shivkumar Ramshankar Gupta for the applicants
Dr. D.R. Mahadik for the applicant

CORAM : PRITHVIRAJ K. CHAVAN, J.

DATED : 17th FEBRUARY, 2022.

P.C.

1. This is an application for withdrawal of the amount of compensation deposited by the insurer in the Tribunal. The applicants are the legal representatives of the deceased, comprising his widow and three children.

2. The learned Counsel for the appellant / insurer submits that an amount of Rs.10,79,929/- has been deposited with MACT, Mumbai on 11th January, 2018.

3. The learned Counsel for the applicants / claimants submits that the widow is a housewife and the rest of the applicants

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are unemployed. They do not have any source of income for their day-to-day expenses. They need money for fulfilling their basic needs.

4. The Counsel for the appellant – insurer opposed the prayer of the applicants/claimants by contending that he has a good case on merits.

5. In view of the dire need of money demonstrated by the applicants, it would be just and proper at this stage to permit the applicants / claimants to withdraw 50% of the amount of compensation deposited by the insurer in the Tribunal with accrued interest.

6. The Tribunal shall verify the identity of the applicants at the time of disbursing 50% of the amount of compensation. The amount of compensation sought to be withdrawn shall be apportioned amongst the applicants as per the award of the Tribunal dated 10.01.2017.

7. The applicants shall furnish undertakings before the Tribunal at the time of withdrawal of the amount that in case the appeal succeeds, they shall refund the amount with interest.

8. If the applicants fail to give an undertaking at the time of withdrawal of the amount, the order shall stand vacated automatically without further reference to the Court.

9. The balance amount shall be invested in a fixed deposit in any nationalized bank, initially for a period of one year and shall further be invested in view of the directions which would be issued by this Court thereafter.

10. The application is disposed of.

(PRITHVIRAJ K. CHAVAN, J.)