

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

**INTERIM APPLICATION NO.19085 OF 2022
IN
FIRST APPEAL NO.894 OF 2022**

Jyoti Pankaj Nikode and Ors. ...Applicants

In the matter between
Reliance General Insurance Co. Ltd. ...Appellant

Versus

Jyoti Pankaj Nikode and Ors. ...Respondents

...

Mr. Pandit Kasar for the Appellant.

Mr. Vishwanath Talkute for the Applicants in IA/19085/2022.

Ms Gauri Velankar i/b. Mr. S.S. Aradhye for Respondent No.8 in
FA/894/2022.

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATED : 20th OCTOBER, 2022.

P. C. :-

1. By this application, the Applicant-original Claimant has sought withdrawal of the compensation deposited by the Appellant-Insurance Company.

2. Applicant No.1 is the widow, Applicant Nos.2 and 3 are the minor children and Applicant No.5 is the mother of the deceased Pankaj Nikode, who expired as a result of injuries sustained in a motor vehicular accident.

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3. Having considered the reasons stated in the application, the Applicant No.1 is permitted to withdraw 20% of the compensation with proportionate interest accrued thereon and Applicant No.5 is permitted to withdraw 5% of the compensation with proportionate interest accrued thereon. Since the Applicant Nos.2 and 3 are minors, I am not inclined to allow withdrawal of compensation on their behalf at this stage. Suffice it to say that withdrawal of compensation will be subject to filing of an undertaking that the Applicant-Claimants will refund the money with interest in the event the Appellant succeeds in the appeal.

4. Application stands disposed of.

(SMT. ANUJA PRABHUDESSAI, J.)