

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

**INTERIM APPLICATION NO. 20259 OF 2022
IN
FIRST APPEAL (ST.) NO. 1581 OF 2021**

Manisha Madhukar Ambekar & Ors. ... Applicants/(Orig. Claimants)

Versus

National Insurance Co. Ltd. & Anr. ... Respondents

In the matter between

National Insurance Co. Ltd. ... Appellant

Versus

Manisha Madhukar Ambekar & Ors. ... Respondents

Mr. P.A. Narayanan for the Appellant.
Mr. Pritesh K. Bohade for the Applicants.

CORAM : R.I. CHAGLA, J.

DATED : 30th NOVEMBER, 2022.

ORDER :

1 By this Interim Application, the Applicants are seeking permission to withdraw the decretal amount deposited by the Respondents with accrued interest.

2 By the order dated 04.10.2021 passed by this Court, the Appellant had undertaken to deposit the entire amount of compensation with accrued interest within a period of four weeks and accordingly stay had been granted of execution, operation and implementation of judgment and award dated 03.02.2020 passed in Motor Accident Claim Petition No.1062 of 2015 subject to the deposit. The Appellant has thereafter deposited the above amount.

3 The Applicant states that the Applicant No.1 being the wife of the deceased and Applicant Nos.2 to 4 who are minor children of the deceased suffered trauma on the demise of the deceased. It is further stated that the Applicants have no sufficient source for survival.

4 Having considered the averments in the Interim Application, the relief sought for is partially allowed by permitting the Applicants who were the Claimants before the M.A.C.T. to withdraw 50% of the amount deposited by the Appellant before the M.A.C.T. upon furnishing an undertaking against disbursement of the amount deposited that if the Appellant succeeds in the Appeal, the Respondents shall return the amount with interest at such rate as determined by this Court.

5 If the 50% amount is withdrawn by the Applicants balance amount shall be invested by the M.A.C.T. in a Fixed Deposit in a Nationalized Bank.

6 Interim Application is accordingly disposed of.

(R.I. CHAGLA, J.)

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