

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

**INTERIM APPLICATION NO. 20268 OF 2022
IN
FIRST APPEAL (ST.) NO. 1577 OF 2021**

Sarla Gangadhar Sonwane & Ors. ... Applicants/(Orig. Claimants)

Versus

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

In the matter between

National Insurance Co. Ltd. ... Appellant/Orig. Respondent

Versus

Sarla Gangadhar Sonwane & Ors. ... Respondents

Mr. Pritesh K. Bohade for the Applicants.

Mr. P.A. Narayanan for the Appellant/Orig. Respondent.

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 entire amount of compensation with accrued interest within a period of four weeks and accordingly this Court had granted stay of execution, operation and implementation of judgment and award dated 03.02.2020 passed in Motor Accident Claim Petition No.1061 of 2015 subject to the deposit. The Appellant has deposited the above amount pursuant to the undertaking recorded in the order dated 04.10.2021.

3 The Applicants states that the Applicant No.1 being the wife of the deceased and Applicant Nos.2 and 3 who are minors 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 Respondent 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5 If the 50% amount is withdrawn by the Applicants balance amount shall be invested by the M.A.C.T. in a Fixed Deposit in a Nationalized Bank.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.

WAISHALI
SUSHIL
WAGHMARE
Digitally signed
by WAISHALI
SUSHIL
WAGHMARE
Date:
2022.12.03
12:15:45
+0530

(R.I. CHAGLA, J.)