

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

**INTERIM APPLICATION NO. 20269 OF 2022
IN
FIRST APPEAL NO. 350 OF 2022**

Savita Vinod Ingal & Ors. ... Applicants (Orig. Claimants)

Versus

Iffco Tokio General Insurance
Company Limited & Anr. ... Respondents/Opponents

In the matter between

Iffco Tokio General Insurance
Company Limited ... Appellant

Versus

Savita Vinod Ingal & Ors. ... Respondents

Mr. Pritesh K. Bohade for the Applicants.
Mr. Vikrant Parashurami for the Respondents.

CORAM : R.I. CHAGLA, J.

DATED : 30th NOVEMBER, 2022.

ORDER :

1 By this Interim Application the Applicants are seeking permission to withdraw part of the awarded amount deposited by the Appellant herein with interest thereon.

2 The Interim Application is opposed by the learned Advocate appearing for the Appellant on the ground that the Appellant has made out sufficient grounds assailing the impugned judgment and any order passed on this application is without prejudice to the grounds taken by the Appellant in the First Appeal.

3 The Appellant has pursuant to the order dated 31.03.2022 deposited the entire amount of compensation awarded in the impugned judgment alongwith interest accruing thereon calculated up to the date of the said order.

4 The Applicants have stated that after the incidence and death of the husband of Applicant No.1 as well as father of Applicant Nos.2 and 3 and son of Applicant No.4, the Applicants are suffering from trauma as the deceased was the only earning member of the family and now the Applicants have no sufficient source for survival.

5 Having considered the averments in the Interim Application, a case is made out for granting the relief sought for in the Interim Application. Hence, the following order is passed :

- i) The Applicants are permitted to withdraw 50% of the amount deposited by the Appellant before the concerned

M.A.C.T. upon furnishing undertaking against disbursement of the amount that if the Appellant succeeds in the Appeal, the Applicants shall return the amount with interest at such rate as would be directed by this Court.

ii) If 50% amount is withdrawn by the Applicants, balance amount shall be invested by the M.A.C.T. in a Fixed Deposit in a Nationalized Bank.

iii) The Interim Application stands disposed of.

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signed by
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SUSHIL
WAGHMARE
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(R.I. CHAGLA, J.)