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

**INTERIM APPLICATION NO.30491 OF 2022**
**IN**
**FIRST APPEAL NO.1220 OF 2022**

**Smt. Darpan Dilip Shitut** **...Applicant / Ori. Claimant**

**In the matter between**
**Shriram General Insurance Co. Ltd.** **...Appellant**

***Versus***

**Smt. Darpan Dilip Shitut & Ors.** **...Respondents**

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Mr. Pandit Kasar for the Appellant and Applicant in IA No.19450 of 2022.

Mr. Bharat Gadhavi, for Respondent In FA and Applicant in IA No.30491 of 2022.

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**CORAM : R.I. CHAGLA J.**

**DATE : 22ND DECEMBER, 2022.**

**ORDER :**

1. By this Interim Application, the Applicant is seeking permission to withdraw the amount deposited by the Appellant with interest before the MACT, Mumbai.

2. The Appellant had pursuant to the order dated 20th

September, 2022 deposited the entire amount as per the impugned order before the Claims Tribunal within the stipulated time. There is accordingly a stay on the implementation and execution of the impugned judgment and award which is operational till the next date.

3. The Applicant in the present Interim Application has made out a case of hardship as she is a widow and no one in the family to look after the Applicant. The deceased was the only son and bread winner in the family of the Applicant. The Applicant has stated that she is finding it very difficult to meet day to day needs and expenses and is suffering from various old age ailments, and therefore needs to incur frequent medical expenses. The Applicant has further stated that she is in dire need of money for daily expenses and due to old age is finding it very difficult to do any work. Hence the present Application has been filed.

4. The learned Counsel for the Appellant states that the issue arising in the First Appeal is with regard to the quantum of compensation granted by the Tribunal which is challenged.

5. Considering the case made out by the Applicant in the

present Interim Application as to hardship, the Applicant is permitted to withdraw 50% of the amount deposited by the Appellant with adequate safeguard. Hence, the following order:-

(i) The Applicant is permitted to withdraw 50% of the amount deposited by the Appellant before the MACT, Mumbai upon furnishing an undertaking within two weeks that if the Appellant succeeds in the Appeal, the Applicant shall return the amount with interest as such rate as determined by this Court.

(ii) If 50% amount is withdrawn by the Applicant, balance amount shall be invested by the MACT, Mumbai in a fixed deposit in a nationalized bank.

(iii) The Interim Application is accordingly disposed of.

**[R.I. CHAGLA J.]**