

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

**INTERIM APPLICATION NO. 934 OF 2023
IN
FIRST APPEAL NO. 1153 OF 2008**

Smt. Shahanj Harun Shaikh & Ors. ...Applicants

Versus

The Oriental Insurance Co. Ltd. ...Respondent

Mr. Jayant Bardeskar for the Applicant.

Ms. Poonam Mital for the Respondent in IA & Appellant in FA.

CORAM : S. G. DIGE, J.

DATE : 6th FEBRUARY 2023.

P.C. :

1. Heard learned counsel for the Applicants and learned counsel for the Respondent.

2. The learned counsel for the Applicants submits that this Court has permitted the Applicants to withdraw the amount of Rs. 1,20,000/-, on furnishing security to the satisfaction to the trial Court.

3. The trial Court has asked the Applicants to give the bank guarantee, the Applicants are not in position to give the bank

guarantee as their financial condition is not sound. The earning member of their family has died in the accident, there is no source of income, Applicants require the amount for day to day expenses. Hence, requested to allow the Application.

4. The learned counsel for the respondent strongly objected to allow the Application, on the ground that the Respondent has challenged the impugned order on various ground. Hence, requested to dismiss the Application.

5. Considering the submissions of both learned counsel as well as this Court has already permitted the Applicants to withdraw the amount, but Applicants are not in position to give the bank guarantee. Hence, I pass following order.

ORDER.

1. Application is allowed.
2. Applicant are permitted to withdraw the amount of Rs. 1,20,000/- along with accrued interest thereon, on furnishing undertaking instead of security.
3. Application is disposed of.

(S. G. DIGE, J.)