<u>IN THE HIGH COURT OF JUDICATURE AT BOMBAY</u>

CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 18386 OF 2022
IN
FIRST APPEAL NO. 272 OF 2019

Mangal Maruti Devkar & Ors. ….. Applicants

VERSUS

The Divisional Manager,
Shriram General Insurance Company Limited ….. Respondents

Mr. Nikhil Mehta i/b. KMC Legal Venture for the Appellant in FA and for the Applicant in CAF/1017/2019.

Mr.Sameer S.Kadam for the Respondent Nos. 1 to 5 in FA and for the Applicant in IA/18386/2022.

CORAM: RAJESH S. PATIL, J.

DATE : 12th OCTOBER, 2023

<u>P.C</u>:-

This interim application is filed seeking withdrawal of the amount already deposited by the insurance company. It is the case of the applicant that the applicant no.1 is the housewife and she is only engaged in household work. After the death of her husband in the unfortunate accident, she has been in mental shock and she is frequently unwell. The applicant no.2 is engaged in a labour work and has very meager earnings. His work is of uneven nature and there is no certainty whether any work will be available to him on a given day.

Hence, his income is unstable and inadequate. The applicant no.3 is studying and is dependent on applicant no.2 for his expenses. Applicant nos. 4 and 5 are married daughters of the deceased. The applicant states that they may be allowed partly to withdraw the amount deposited.

2. I have heard both the sides and I have gone through the contents of the Interim Application. According to me, in the interest of justice, it would be appropriate if the applicant nos. 1 and 3 are permitted to withdraw 60% of the 'Award' amount deposited by the Insurance Company along with accrued interest as per the ratio mentioned in the impugned judgment and award dated 9th August, 2018 passed by the M.A.C.T., Satara in M.A.C.P. No. 131 of 2013.

3. The 60% of the 'Award' amount awarded to the applicant nos. 1 and 3 allowed to be withdrawn along with accrued interest, upon furnishing an undertaking before the concerned MACT to the effect that if they fail in this First Appeal, they will return the amount with interest, at such rate as may be directed by this Court at the time of disposal of the First Appeal.

4. The Registry to see that the money is transferred to the account of the applicant nos. 1 and 3.

5. Balance amount shall be invested in the fixed deposit of a nationalized bank initially, for a period of one year and thereafter for like period depending the pendency of this Court.

6. All the parties to act on an authenticated copy of this order. Issuance of certified copy of this order is expedited.

7. The interim application is accordingly disposed of.

[RAJESH S. PATIL, J.]