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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO.15929 OF 2023
IN
FIRST APPEAL NO.1629 OF 2019

The New India Assurance Co. Ltd.	...Applicant
V/s.	
Savita L. Kharade & Anr.	...Respondents

Mr.Milind V. More for the Applicant.

Mr.Mahindra Deshmukh for the Respondent in IA 14541 of 2023.

CORAM : RAJESH S. PATIL, J.
DATE : 26TH OCTOBER, 2023.

P.C. :-

1. This Interim Application is filed for restoration of the First Appeal, as the same was dismissed for non-compliance of the conditional order dated 6 September 2019.
2. Advocate for the Original Claimant has no objection if this Interim Application for restoration is allowed.
3. Heard. I have gone through the contents of the Interim Application. The case is made out to allow this Interim Application.
4. Interim Application is allowed in terms of prayer clause (a). Advocate for the Appellant – Insurance Company is granted three

weeks time from today to file paper book.

5. Interim Application is accordingly disposed of.

WITH
INTERIM APPLICATION NO.14541 OF 2023
IN
FIRST APPEAL NO.1629 OF 2019

Savita L. Kharade

...Applicant

IN THE MATTER BETWEEN :

V/s.

The New India Assurance Co. Ltd.

...Appellant

V/s.

Savita L. Kharade & Anr.

...Respondents

1. This Interim Application is filed for withdrawal of the amount deposited the Insurance Company.

2. It is the case of the Applicant that she has been deserted by her husband and the deceased was her only son. She further states that she is an agriculturist and is doing her job of labour in field. She further states that on the earlier occasion she had withdrawn 25% of the amount deposited in this Court. She is in dire need of money. She further states that it will take some time for this Court to hear the First Appeal on merits, at least till that time more amount may be allowed to be withdrawn by her.

3. I have heard both the sides and I have gone through the contents of the Interim Application. According to me, case is made

out to permit the Applicant – lady to withdraw some amount from the amount already deposited by the Insurance Company. The Applicant is allowed to withdraw a sum of Rs.1,50,000/- of the 'Award' amount deposited by the Insurance Company.

4. The amount of Rs.1,50,000/- is allowed to be withdrawn upon furnishing an undertaking before the concerned MACT to the effect that if she fail in this First Appeal, she will return the amount with interest, at such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.

5. The Registry to see that the money is transferred to the account of the Applicant.

6. 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.

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

8. The interim application is accordingly disposed of.

(RAJESH S. PATIL, J.)