

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
INTERIM APPLICATION No. 15015 OF 2023
IN
FIRST APPEAL No. 357 OF 2020**

Smt. Meena Jijaba Jadhav	...Applicant
<u>In the matter between</u>	
Bajaj Allianz General Insurance Company Ltd.	...Appellant
Vs.	
Smt. Meena Jijaba Jadhav and Anr.	...Respondents

Mr. Yuvraj Narvankar for Applicant
Mr. Sarthak Diwan for Orig. Respondents

CORAM : RAJESH S. PATIL, J.

DATED : 11 SEPTEMBER, 2023

P.C.:

1. This Interim Application is filed seeking withdrawal of the decretal amount deposited by the Insurance Company in MACT, Karad, Dist. Satara.
2. The Applicant is the mother of the deceased. The Applicant has stated that she has no source of income and totally depended on her son, who has died in an unfortunate accident. According to the Applicant, the deceased was the only bread winner of the family. The Insurance Company has not filed any affidavit in reply to this Interim Application.
3. 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 is permitted to withdraw 50% of the decretal

V.A. Tikam

amount deposited by the Insurance Company.

4. The Registry should verify and see to it that the amount is directly transferred in the sole account of the claimant.

5. Interim Application is allowed. The 50% of the decretal amount awarded to the Applicant (Original Claimant) is allowed to be withdrawn, leaving aside the fixed deposit amount of Rs.5,00,000/- and upon furnishing an undertaking before the concerned MACT to the effect that if they fail in this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.

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 upon the pendency of this Court.

7. Interim Application No. 15015 of 2023 is accordingly disposed of.

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

(RAJESH S. PATIL, J)