IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
INTERIM APPLICATION No. 15091OF 2023
IN
FIRST APPEAL (ST) No. 7441 OF 2023

Minakshi Rajendra Bhise and Ors. ...Applicants
Vs.
Maharashtra State Transport
Corporation Thr. the Manager, Thane ...Respondent

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Mr. Manjeet Lotankar for Applicants/Original Claimants
Mr. Aniket Nangare i/b. N.V. Bhutekar for Respondent (Org. Appellant)

CORAM : RAJESH S. PATIL, J.

DATED : 11 SEPTEMBER, 2023

P.C.:

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

2. Applicant No.1 is the widow of the deceased and Applicant Nos.2 and 3 are the father and mother of the deceased. Both of them are senior citizens. The Applicants have stated that they are facing financial difficulty after Covid-19 Pandamic situation. Applicant No.1 has stated that she is not getting adequate income from agriculture. The Applicant Nos. 2 and 3 have stated that due to old age, they are also suffering from medical illness and, therefore, they have spent lot of money for their illness.

3. I have heard both the sides and also I have gone through the Interim

Application and I am satisfied that a case is made out for withdrawal of the decretal amount deposited in the Lower Court. According to me, in the interest of justice, it would be appropriate if the Applicant No. 1, 2 & 3 are permitted to withdraw 50% of the decretal amount deposited by the Insurance Company as per the ratio mentioned in the impugned judgment and award dated 1 August, 2022.

4. The Respondent-Insurance Company has not filed any reply to the Interim Application.

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

6. The 50% of the decretal amount awarded to the Applicant No.1, 2 & 3 (Original Claimants) is allowed to be withdrawn, upon furnishing an undertaking before the concerned MACT to the effect that if they fail in this First Appeal, they will return the amount with interest, at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.

7. 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.

8. Interim Application No. 15091 of 2023 is accordingly disposed of.

9. 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)