

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
INTERIM APPLICATION NO.3500 OF 2023
IN
FIRST APPEAL NO.427 OF 2023**

Archana Vikrant Topale And Ors. ...Applicants

Versus

Divisional Manager, Bajaj Alliance
General Insurance Co. Ltd. ...Respondent

Mr. Akshak Kulkarni i/by Mr. Sarthak Diwan for the Appellant.
Mr. Rajan Pawar for Respondent and Applicant in IA/3500/2023.

CORAM : RAJESH S. PATIL, J.

DATED : 31 OCTOBER, 2023.

PC.:

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

2. It is a case of the Applicants that the Applicant No.1 is a widow of the deceased and Applicant Nos.2 and 3 are the children of the deceased. The Applicant No.5 is the mother of deceased. The deceased was the only earning member of their family and on account of his untimely death they have lost not only a earning member but also love and affection which the dependents could have got from the deceased. Applicant Nos.2 and 3 are the school going children of the deceased. Applicants have therefore, prayed

that they be allowed to withdraw the amount deposited.

3. 60% of the 'Award' amount awarded to the Applicant Nos. 1 and 5 are allowed to be withdrawn along with accrued interest, as per the ratio mentioned in the impugned Judgment and Award, upon furnishing an undertaking before the concerned MACT to the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 5.

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 the pendency of this Court.

8. All the parties to act on an authenticated copy of this order.

9. The interim application is accordingly disposed of.

(RAJESH S. PATIL, J.)