

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**CIVIL APPLICATION NO.3640 OF 2016
IN
FIRST APPEAL NO.691 OF 2023**

Shri. Ramchandra Mahadev Patole And Ors. ...Applicants
Versus
The New India Assurance Co.Ltd. ...Respondent

Mr. T. J. Mendon Applicant and Respondent in CAF No.3640 of 2016.
Adv. C.M. Lokesh for the Appellant.

CORAM : RAJESH S. PATIL, J.

DATED : 25 OCTOBER, 2023

PC.:

CIVIL APPLICATION NO.3640 OF 2016

1. This Application is filed for withdrawal of the amount deposited by the Insurance Company.
2. The Insurance Company had deposited a sum of Rs.8,32,964/- before the MACT Alibag, Raigad in the year 2013. The Advocate for the Applicants state that the Original Claimants have withdrawn a sum of Rs.1,58,000/- from the amount deposited by the Insurance Company, in the year 2016. Rest of the amount has been invested by the MACT, Alibag.

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3. Today an Application is made by the Applicants to allow them to withdraw certain more amount from the amount lying in the account of the Registry.

4. The Applicants state that they are parents and unmarried sister of the deceased, who met with an accident on 12 January, 2006 and sustained serious injuries resulting into his death. The Applicants state that the Applicant No.1 is a retired person, Applicant No.2 and 3 are housemaker, and were completely dependent on the income of the deceased. The deceased was the breadwinner of the family. Today the Applicants have to depend for their survival on their friends and their relatives. So also, the Applicant Nos. 1 and 2 being senior citizen. There is much medical expenses due to old age. The Motor Accident Claim was filed in the year 2006, and the same was decided on impugned Award dated 20 December, 2013. The First Appeal was filed in this Court in the year 2015. Therefore, the Applicants pray that they be allowed to withdraw certain amount already deposited by the Insurance Company.

5. I have heard both sides and I have considered the submission made in the Civil Application.

6. 60% of the 'Award' amount awarded to the Applicant Nos. 1, 2 and 3 are allowed to be withdrawn along with accrued interest, upon furnishing an undertaking before the concerned MACT to the effect that if they fail in this First Appeal, they will return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.
7. The Registry to see that the money is transferred to the account of the Applicant.
8. 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.
9. All the parties to act on an authenticated copy of this order.
10. The Civil Application is accordingly disposed of.

(RAJESH S. PATIL, J.)