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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO.13857 OF 2023
IN
FIRST APPEAL NO.12 OF 2023

Smt.Asmita N.Subhedar & Ors.

...Applicants

IN THE MATTER BETWEEN :

National Insurance Company Ltd.

...Respondent

...Ori.Appellant

V/s.

Smt.Asmita N.Subhedar & Ors.

...Respondents

..Ori.Claimants

Mr.Pramod Pawar for the Applicant in IA.

CORAM : RAJESH S. PATIL, J.

DATE : 14TH SEPTEMBER, 2023.

P.C. :-

1. This Interim Application is for withdrawal of the amount deposited by the Respondent Insurance Company before the MACT, Pune in MACP No.103 of 2010.

2. The Applicants states that the deceased was the only earning member of the family. The Applicants states that Applicant Nos.3 and 4 are senior citizens, and Applicant No.2 is only 8 years and is going to school. They have incurred huge expenses. They are

entirely dependent on the monthly pension of Applicant No.3.

3. I have heard both the sides and also 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 Nos. 1, 3, 4 are permitted to withdraw 50% of the Award amount deposited by the Insurance Company as per the ratio mentioned in the impugned judgment and order dated 5 May, 2017, 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. 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.

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

6. The interim application is accordingly disposed of.

(RAJESH S. PATIL, J.)