Shailaja

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
INTERIM APPLICATION NO.4162 OF 2023
IN
FIRST APPEAL [STAMP] NO.8831 OF 2023

Tahira Imran Shaikh and others] Applicants

IN THE MATTER BETWEEN:
Reliance General Insurance]
Company] Appellant
Vs.
Tahira Imran Shaikh and others] Respondents

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Mr. Amol Gatne i/b Ms. Swati U. Mehta, for Applicants.

Ms. Shalini Shankar, for Respondent.

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CORAM : PRITHVIRAJ K. CHAVAN, J.

DATE : 4th MAY, 2023.

P.C.

1. Heard Mr. Gatne, learned Counsel for the applicants.

2. By this application, the applicants seek permission of this Court to withdraw the entire amount of compensation with accrued interest deposited by the respondent-insurer before the Court below.

3. Mr. Gatne has invited my attention to paragraph 4 of the application wherein dire need of the amount of compensation is

made out in view of the fact that the wife, children and mother of the deceased who are the only legal heirs and dependents of the deceased are in need of the amount for various day-today expenses, including medical expenses.

4. Ms. Shalini Shankar, learned Counsel for the respondent-insurer objects to withdraw the entire amount.

5. Having regard to the averments made in the application as well as the nature of appeal, the applicants are permitted to withdraw 80% of the amount of compensation with accrued interest. The amount be proportioned equally amongst respondent Nos.1 to 5.

6. Share of respondent Nos.1 and 5 be made over to them.

7. Share of respondent Nos.2 to 4 be invested in the Fixed Deposit in any nationalized Bank of the choice of respondent No.1 for a period of one year, since they are minors.

8. Liberty to respondent No.1 to withdraw the amount invested in the names of respondents Nos. 2 to 4 before maturity, in case of any exigency.

9. Respondents No.1 and 5 shall give undertaking/s to the Court below that in case the appeal succeeds, they will refund the amount with interest, as and when directed.

10. Application is disposed of.

[PRITHVIRAJ K. CHAVAN, J.]