

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
INTERIM APPLICATION NO. 4040 OF 2023
IN
FIRST APPEAL (STAMP) NO. 97080 OF 2020

Devappa Ramanna Koli (Decd. Thr. LRs)
Smt. Muktabai Devappa Koli & Ors. ...Applicants

IN THE MATTER BETWEEN

United India Insurance Co. Ltd. ...Appellant

Versus

Devappa Ramanna Koli (Decd. Thr. LRs)
Smt. Muktabai Devappa Koli & Ors. ...Respondents

Mr. Amol Gatne for the Appellant.

Mr. A. R. Deshmukh for the Applicants/Respondent Nos.1(a) to 1(c).

Mr. Himmanshu B. Takke i/by Mr. Milind More for Respondent No.6.

CORAM : SHIVKUMAR DIGE, J.

DATE : 2nd MAY, 2023.

P. C. :

1. Learned Counsel for the Applicants submits that this Court by an Order dated 8th February, 2021, permitted the Applicant/Original Claimant, in that Application to withdraw 50% amount, along with accrued interest thereon. But after passing the Order, the original Claimant died. Thereafter Applicants, being legal heirs of the original Claimant, are taken on record. The Tribunal has raised objection, as the

Applicants are legal heirs and order is passed in favour of original Claimants. The Tribunal has not permitted the Applicants to withdraw the amount, hence, requested to allow the Application.

2. Learned Counsel for the Appellant-Insurance Company strongly objected to allow the Application on the ground that the Application was earlier allowed, but the original Claimant was died, hence, requested to dismiss the Application.

3. I have heard both learned Counsel.

4. The original claimant was already permitted to withdraw 50% amount. Thereafter he died. The Applicants are the legal heirs of the original claimants. They need the amount, as this Court has already passed withdrawal order. In view of above, I pass following order :

ORDER

- i. Application is allowed.
- ii. The Applicants are permitted to withdraw 50% amount out of deposited amount, along with accrued interest thereon, on furnishing undertaking.
- iii. Application is disposed of.

(SHIVKUMAR DIGE, J.)