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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

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INTERIM APPLICATION NO.14551 OF 2023
IN
FIRST APPEAL NO.107 OF 2023

Smt.Ramitha R. Thoppilthekathil & Ors. ...Applicants
V/s.
Reliance General Insurance Co. Ltd. ...Respondent

Ms.Kalpana Trivedi for the Appellant and for Respondent in IA
No.14551 of 2023.

Mr.J.P. Gor for the Applicants in IA No.14551 of 2023.

Mr.Pritesh Bohale for the Respondent.

CORAM : RAJESH S. PATIL, J.
DATE : 14TH SEPTEMBER, 2023.

P.C. :-

1. This Interim Application is filed for seeking withdrawal of the Award amount deposited by the Insurance Company in in MACP No.876 of 2017 by a judgment and order dated 22 April, 2022.
2. The Applicants submit that and due to sudden death of the deceased, the whole family is under shock and there is no earning member in the family. Applicant Nos.2 and 3 are senior citizens and they are now dependent on their relatives and friends for financial help. Therefore, they pray that they should be allowed to withdraw the

amount deposited by the Insurance Company.

3. Heard both the sides, no reply is filed by the Insurance Company opposing this Application. I have gone through the contents of the Interim Application. According to me, in the interest of justice, it would be appropriate if they are permitted to withdraw 50% of the Award amount deposited by the Insurance Company.

4. The 50% of the Award amount awarded to the Applicants is allowed to be withdrawn along with accrued interest, upon furnishing an undertaking before the concerned MACT to the effect that if they fail in this First Appeal, they will return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.

5. 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.

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

7. The interim application is accordingly disposed of.

INTERIM APPLICATION NO.14552 OF 2023
IN
FIRST APPEAL NO.250 OF 2023

1. This Interim Application is filed for seeking withdrawal of the Award amount deposited by the Insurance Company in in MACP No.599 of 2017 by a judgment and order dated 22 April, 2022.

2. Advocate for the Applicants states that due to sudden death of the deceased, they are in shock and there is no earning member in the family. The Applicants states that they are dependent on their relatives and family friends for financial help. Therefore, they pray that they should be allowed to withdraw the amount deposited by the Insurance Company.

3. Heard both the sides, no reply is filed by the Insurance Company opposing this Application. I have gone through the contents of the Interim Application. According to me, in the interest of justice, it would be appropriate if they are permitted to withdraw 50% of the Award amount deposited by the Insurance Company.

4. The 50% of the Award amount awarded to the Applicants is 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.

5. 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.
6. All the parties to act on an authenticated copy of this order. Issuance of certified copy of the order is expedited.
7. The interim application is accordingly disposed of.

INTERIM APPLICATION NO.1245 OF 2023
IN
FIRST APPEAL NO.250 OF 2023

1. This Interim Application is for stay of the impugned judgment and order dated 22 April, 2022 passed in MACP No.599 of 2017.
2. As per order dated 8 February 2023, the Applicants were directed to deposit the entire Award amount subject to which ad-interim relief was granted.
3. Advocate for the Applicants states that entire Award amount is deposited by the Insurance Company.
4. Since the entire Award amount has been deposited as per the Award, ad-interim stay granted on 8 February 2023 is hereby confirmed till hearing of First Appeal No.250 of 2023.

5. The Interim Application is accordingly disposed of.

INTERIM APPLICATION NO.967 OF 2023
IN
FIRST APPEAL NO.107 OF 2023

1. This Interim Application is for stay of the impugned judgment and order dated 22 April, 2022 passed in MACP No.876 of 2017.

2. As per order dated 8 February 2023, the Applicants were directed to deposit the entire Award amount subject to which ad-interim relief was granted.

3. Advocate for the Applicants states that entire Award amount is deposited by the Insurance Company.

4. Since the entire Award amount has been deposited as per the Award, ad-interim stay granted on 8 February 2023 is hereby confirmed till hearing of First Appeal No.107 of 2023.

5. The Interim Application is accordingly disposed of.

INTERIM APPLICATION NO.14584 OF 2023
IN
FIRST APPEAL NO.121 OF 2023

1. This Interim Application is filed for seeking withdrawal of

the Award amount deposited by the Insurance Company in in MACP No.877 of 2017 by a judgment and order dated 22 April, 2022.

2. The Applicants submit that and due to sudden death of the deceased, the whole family is under shock and there is no earning member in the family. Applicant Nos.2 and 3 are senior citizens and they are now dependent on their relatives and friends for financial help. Therefore, they pray that they should be allowed to withdraw the amount deposited by the Insurance Company.

3. Heard both the sides, no reply is filed by the Insurance Company opposing this Application. I have gone through the contents of the Interim Application. According to me, in the interest of justice, it would be appropriate if they are permitted to withdraw 50% of the Award amount deposited by the Insurance Company.

4. The 50% of the Award amount awarded to the Applicants is 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.

5. 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.

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

Issuance of certified copy of the order is expedited.

7. The interim application is accordingly disposed of.

INTERIM APPLICATION NO.1229 OF 2023
IN
FIRST APPEAL NO.121 OF 2023

1. This Interim Application is for stay of the impugned judgment and order dated 22 April, 2022 passed in MACP No.877 of 2017.

2. As per order dated 8 February 2023, the Applicants were directed to deposit the entire Award amount subject to which ad-interim relief was granted.

3. Advocate for the Applicants states that entire Award amount is deposited by the Insurance Company.

4. Since the entire Award amount has been deposited as per the Award, ad-interim stay granted on 8 February 2023 is hereby confirmed till hearing of First Appeal No.121 of 2023.

5. The Interim Application is accordingly disposed of.

(RAJESH S. PATIL, J.)