

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
INTERIM APPLICATION No. 15072 OF 2023
IN
FIRST APPEAL (ST) No. 33218 OF 2022**

Smt. Sangeeta Sanjay Kshirsagar and Ors.

...Applicants

Vs.

**Reliance General Insurance Co. Ltd.,
Mumbai and Ors.**

...Respondents

Mr. Pritesh K. Bohade for Applicants

Ms. Kalpana Trivedi for Respondents

CORAM : RAJESH S. PATIL, J.

DATED : 11 SEPTEMBER, 2023

P.C.:

1. This Interim Application is filed for withdrawal of the amount deposited by the Insurance Company.
2. Applicant No.1 is the widow of the deceased and Applicant Nos.2,3 and 4 are the children of the deceased. The Applicants state that due to Pandemic since last two years the family is in huge financial difficulty. The Applicants state that the deceased was the Karta of the family and they have no sufficient source of income for their survival.
3. The Advocate for the Respondents has not filed any reply, opposing the Interim Application.
4. I have heard both the sides and also I have gone through the Interim

Application. According to me, in the interest of justice, it would be appropriate if the Applicants are permitted to withdraw 50% of the decretal amount deposited by the Insurance Company as per the ratio mentioned in the impugned judgment and award dated 6 July, 2022.

5. The Registry should verify and see to it that the amount is directly transferred in the sole account of the claimant.

6. The 50% of the decretal amount awarded to the Applicants (Original Claimants) is allowed to be withdrawn, upon furnishing an undertaking before the concerned MACT to the effect that if they fail in this First Appeal, they will return the amount with interest, at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. 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 upon the pendency of this Court.

8. Interim Application No. 15072 of 2023 is accordingly disposed of.

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

(RAJESH S. PATIL, J)