

This order is modified vide speaking to minutes of the order dated 21st June 2023

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO.12615 OF 2023

IN

FIRST APPEAL (ST) NO.4735 OF 2023

KANCHAN RAMESH@CHANDRAMA PAL & ORS.)...APPLICANTS

V/s.

BAJAJ ALLIANZ GENERAL INSURANCE CO.LTD.)...RESPONDENT

Mr.T.J.Mendon, Advocate for the Applicants.

Mr.Akshay Kulkarni i/b. Mr.S.S.Diwas, Advocate for the Appellant.

CORAM : ABHAY AHUJA, J.

DATE : 19th JUNE 2023.

P.C. :

1. This is an application seeking withdrawal of the decretal amount deposited in Motor Accident Claims Tribunal, Mumbai, by the claimants. Mr.Mendon, learned Counsel for the Interim Applicant, would submit that the claimants are a widow, a minor daughter and parents of the deceased, who met with an accident on 13th October 2016 resulting in his death. He would submit that the deceased was working as a driver for Gayatri Roadlines Private Limited. Learned

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Counsel would submit that the claimants were completely dependent on the income of the deceased, although till date they have managed some how or the other on their agricultural income. Learned Counsel would submit that the claim has been allowed in favour of the claimants but the Insurance Company being aggrieved by the same has filed this Appeal. Learned Counsel submits that the withdrawal be permitted subject to the terms and conditions which the court may impose.

2. Learned counsel for the Insurance Company has no objection if the said amount is allowed to be withdrawn on certain conditions being imposed.

3. After hearing the learned counsel and having perused the application, the following order is passed :

ORDER

(i) Let 30% of amount deposited in Motor Accident Claims Tribunal, Mumbai, by the Insurance Company be allowed to be withdrawn on furnishing an undertaking that in case the appeal is decided against Applicants, they would return the said amount along with interest within a period of four weeks.

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(ii) Let the amount withdrawn be apportioned in the proportion as contained in paragraph 4 of the order dated 20th August 2022 of the Tribunal.

4. The application stands disposed in above terms.

(ABHAY AHUJA, J.)