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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION



INTERIM APPLICATION NO.14583 OF 2023
IN
FIRST APPEAL (STAMP) NO.10689 OF 2023

Mangal Dnyaneshwar @ Vijay Sabale & Ors. ...Applicants
V/s.
HDFC ERGO General Insurance Co. Ltd. & Ors. ...Respondents

Mr.Sarthak S. Diwan for the Applicants.

Mr.T.J. Mendon for the Respondent.

**CORAM : RAJESH S. PATIL, J.**
**DATE : 29TH SEPTEMBER, 2023.**

**P.C. :-**

1. This Interim Application is filed by the Applicants for withdrawal of the amount deposited by Insurance Company before the MACT., Mumbai.

2. Applicant No.1 is widow of the deceased and Applicant Nos.2 and 3 are the children of the deceased. Applicant No.4 is the mother of the deceased. The Applicants have stated that they were entirely dependent on the income of the deceased, who was the sole breadwinner of the family. The financial condition of the Applicants' family is very bad. Applicant Nos.2 and 3 are studying in college and school respectively. Applicant No.1 is not earning and does not have any source of income. The Insurance Company has deposited the entire award amount before MACT, Mumbai.

3. I have heard both the sides and I have gone through the contents of the Interim Application. According to me, in the interest of justice, it would be appropriate if the Applicant Nos. 1 and 4 are permitted to withdraw 70% of the ‘Award’ amount deposited by the Insurance Company as per the ratio mentioned in the impugned Judgment and Award.

4. The 70% of the ‘Award’ amount awarded to the Applicant Nos.1 and 4 are allowed to be withdrawn along with accrued interest, upon furnishing an undertaking before the concerned MACT to the effect that if they fail in this First Appeal, they will return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. The Registry to see that the money is transferred to the account of the Applicants.

6. 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.

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

8. The interim application is accordingly disposed of.

***(RAJESH S. PATIL, J.)***