

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO.15403 OF 2023
WITH
CIVIL APPLICATION NO.1878 OF 2017
IN
FIRST APPEAL (ST) NO. 17170 OF 2017

Kavita Purushottam Pednekar & Anr. ...Applicants
Versus
United India Insurance Company Ltd & Anr. ...Respondents

Mr. Sandeep Jinsiwale, for the Applicants.
Ms. Rina Kundu, for Respondent Nos. 1 & 2.

CORAM : RAJESH S. PATIL, J.

DATED : 14th SEPTEMBER, 2023

PC.:

CIVIL APPLICATION NO.1878 OF 2017
IN
FIRST APPEAL (ST) NO. 17170 OF 2017

1. Not on board. Taken on board.
2. This Civil Application No. 1878 of 2017 is filed for condoning delay of 77 days in filing the First Appeal.
2. The learned advocate for Respondent Nos.1 & 2 (Original Claimants) has no objection in condoning the delay and the matter is taken up hearing immediately.

3. I have gone through the contents of the application and I am satisfied that the Appellant has made out a case to condone the delay. Hence, Application is allowed in terms of prayer clause (b).

4. Civil Application No.1878 of 2017 is accordingly disposed of.

INTERIM APPLICATION NO. 15403 OF 2023

IN

FIRST APPEAL (ST) NO. 17170 OF 2017

1. This Interim Application is filed for withdrawal of the amount deposited by the insurance company.

2. It is stated in the Application, Applicant No.1 is the mother of the deceased. She is 67 years of age and has no source of income. Due to her old age she constantly require to take medical treatment from doctor. Applicant No.2 is the sister of the deceased. She is married and she has her own expenses. The Applicants have requested to allow them to withdraw the entire amount as deposited by the insurance company.

3. I have heard both the sides, no reply is filed by the insurance company opposing this Application.

4. I have also gone through the contents of the Application and I am satisfied that a case is made out on partial withdrawal of the amount deposited by the insurance company.

5. Applicant No.1 is allowed to withdraw a sum of Rs.5,00,000/- from the amount deposited by the insurance company.
6. The amount awarded to Applicant No. 1 (Original Claimant) is allowed to be withdrawn, upon furnishing an undertaking before the concerned MACT to the effect that if they fail in this First Appeal, they will return the amount with interest, at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. The Interim Application No.15403 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.)

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