IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION No. 15186 OF 2023
IN
FIRST APPEAL (ST) No.8918 OF 2022

Seema Kishor Garje and Ors. ...Applicants
Vs.
Reliance General Insurance Co. Ltd., Mumbai ...Respondents

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Ms. Varsha Chavan for Applicants
Ms. Poonam Mital 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 person and Applicant Nos. 2 and 3 are the parents of the deceased. The Applicants have stated that Applicant Nos.2 and 3 are suffering from various old age ailments and they have to spend huge amount for their medical treatment and it is difficult to manage these expenses in view of the fact that the deceased, their son has died.

3. The Applicants have stated that they have to borrow monies from the relatives. Hence, they pray that they may be allowed to withdraw the

decretal amount deposited by the Insurance Company.

4. The Advocate for the Respondent- Insurance Company has not filed any reply, opposing the Interim Application.

5. I have heard both the sides and also 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, 2 and 3 are permitted to withdraw 50% decretal amount deposited by the Insurance Company as per the ratio mentioned in the impugned judgment and order dated 5 October, 2021.

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

7. The 50% of the decretal amount awarded to the Applicant Nos.1, 2 and 3(Original Claimants) is allowed to be withdrawn, upon furnishing an undertaking before the concerned MACT to the effect that if they fail in this First Appeal, they will return the amount with interest, at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.

8. 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.

9. Interim Application No. 15186 of 2023 is accordingly disposed of.

10. 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)