

VAISHALI
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TIKAM

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

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**INTERIM APPLICATION No. 14581 OF 2023
IN**

FIRST APPEAL (ST) No.23054 OF 2022

Vidya Milind Nandire and Ors. ...Applicants

Vs.

The National Insurance Co. Ltd. and Anr. ...Respondents

**Ms. Poonam Mital for Applicants
Ms. Varsha Chavan 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. Applicants Nos. 4 and 5 are the children of the deceased, who were minor then. The Applicants have stated that they are completely depended on the income of the deceased, who was the only bread winner of the family. He was also the financial supporter of the entire family and due to deprivation, they have to now rely upon the relatives and friends for financial support. The Applicants have further stated that as they do not have any sufficient financial support and

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they have depended upon their well wishers. Hence, they pray that they may be allowed to withdraw the decretal amount deposited by the Insurance Company.

3. The Applicants have stated that the impugned award has been passed on 3 February, 2022 and nothing has been paid to the Applicants till date.

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 Rs.9,00,000/- each from the decretal amount deposited by the Insurance Company.

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

7. Applicant Nos.1, 2 and 3(Original Claimants) are allowed to be withdrawn Rs.9,00,000/- each from the decretal amount deposited in the Trial Court, upon furnishing an undertaking before the concerned MACT to the effect that if they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. 14581 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)