IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
INTERIM APPLICATION No. 15019 OF 2023
IN
FIRST APPEAL No. 690 OF 2023

Neta Rakeshmukar Jain and Ors. ...Applicants
Vs
United India Insurance Co. Ltd., Pune ....Respondent

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Mr. Yuvraj Narvankar for Applicants
Ms. Varsha Chavan for Respondent

CORAM : RAJESH S. PATIL, J.

DATED : 11 SEPTEMBER, 2023

P.C.:

1. This Interim Application is filed by the Applicants seeking withdrawal of the decretal amount, deposited by the Respondent - Insurance Company. The Applicants states that Applicant No.1 is widow of the deceased and is a housewife, having no other source of of income. Applicant Nos. 2 and 3 are the children of the deceased and have no source of income. Applicant No.4 is the mother of the deceased and senior citizen with no income source. The Applicants are totally depended upon the deceased. The Applicants state that their financial condition is not good and, therefore, they are required to withdraw the said decretal amount deposited by the Insurance Company.

2. The Respondent -Insurance Company has not filed any affidavit in reply, opposing the Interim Application.

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 No.1 and 4 are permitted to withdraw 50% of the decretal amount deposited by the Insurance Company as per the ratio mentioned in the impugned Judgment and Award dated 14 September, 2022.

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

5. Interim Application is allowed. The 50% of the decretal amount awarded to the Applicant Nos.1 and 4, as per the share mentioned in the Impugned Judgment and Award dated 14 September, 2022 is allowed to be withdrawn, upon furnishing an undertaking before the concerned MACT to the effect that if they fail in this First Appeal, they will return the amount with interest, at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.

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 upon the pendency of this Court.

7. Interim Application No. 15019 of 2023 is accordingly disposed of.

8. 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)