IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION No.15063 OF 2023
IN
FIRST APPEAL No. 331 OF 2021

Smt. Pratibha Ambadas Gaidhani and Ors. ...Applicants

<u>In the matter between</u>

United India Insurance Co. Ltd. ...Appellant
Vs.
Smt. Pratibha Ambadas Gaidhani and Ors. ...Respondents

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Mr. Pritesh Bohade for Applicants (Org. Claimants)
Mr. Amol Gatne for Appellant/ Respondents (In IA)

CORAM : RAJESH S. PATIL, J.

DATED : 11 SEPTEMBER, 2023

<u>P.C.:</u>

1. This Interim Application is filed seeking withdrawal of the decretal amount deposited by the Insurance Company.

2. Applicant No.1 is the widow of the deceased. Applicant No.2 is the minor son of the deceased and Applicant No.3 is the mother of the deceased, who is a senior citizen.

3. The Applicants have stated that they are suffering from trauma due to the sudden death of the deceased, who was the pillar of the family. The Applicants have further stated that they don't have sufficient income for

survival. The Applicants further states that due to Pandamic, the family of the Applicants have undergone in huge financial difficulty. Therefore, they have preferred the present Interim Application for withdrawal of the decretal amount.

4. The Respondent-Insurance Company has not filed any reply to this Interim Application.

5. I have heard both the sides and also I have gone through the Interim Application. According to me, in the interest of justice, it would be appropriate if the Applicants No.1 and 3 are permitted to withdraw 50% of 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 No.1 and 3.

7. The 50% of the decretal amount deposited to be withdrawn by Applicant Nos.1 and 3, as per the share mentioned in the Impugned Judgment and Award dated 7 January, 2020, upon furnishing an undertaking before the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. All the parties to act on an authenticated copy of this order. Issuance of certified copy of the order is expedited.

10. Interim Application No. 15063 of 2023 is accordingly disposed of.

(RAJESH S. PATIL, J)