IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 15499 OF 2023

IN

FIRST APPEAL NO. 214 OF 2023

Bindu Santosh Prajapati & Ors. ..… Applicants

IN THE MATTER OF

Reliance General Insurance Co. Ltd. ….. Appellant

VERSUS

Bindu Santosh Prajapati & Ors. ..… Respondents

Ms.Shalini Shankar for the Appellant.

Mr.Jitendra Gor for the Respondents and for the Applicants in IA.

CORAM: RAJESH S. PATIL, J.

DATE : 4th NOVEMBER, 2023

P.C. :-

This interim application is filed by the legal heirs of the deceased.

2. It is the case of the applicants that the applicant no.1 is the widow of the deceased and applicant nos. 2 and 3 are minor children of the deceased. It is further stated that there is no earning member in the family. Therefore, the applicants are dependent on their relatives and friends for financial help for their livelihood.

3. It is further submitted that the applicant no.1 is uneducated and she has already exhausted resources left at her hands. Therefore, in the interest of justice, she would be allowed to withdraw the amount deposited by the insurance company.

4. Heard. I have gone through the contents of the interim application. A case is made out for withdrawal of the partial amount deposited by the insurance company. A sum of Rs. 6,95,300/- along with accrued interest thereon should be allowed to be withdrawn by the applicant no.1 as per the ratio mentioned in the impugned judgment and award.

5. An amount of Rs. 6,95,300/- of the ‘Award’ amount awarded to the applicant no. 1 is allowed to be withdrawn along with accrued interest, upon furnishing an undertaking before the concerned MACT to the effect that if they fail in this First Appeal, they will return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. The Registry to see that the money is transferred to the account

of the applicant no.1.

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 the pendency of this Court.

8. All the parties to act on an authenticated copy of this order. Issuance of certified copy of this order is expedited.

9. The interim application is accordingly disposed of.

[RAJESH S. PATIL, J.]