IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION No. 15094 OF 2023
IN
FIRST APPEAL (ST) No.13503 OF 2022

Damodar Gangaram Manve and Anr. ...Applicants
Vs.
Reliance General Insurance Co. Ltd.
Mumbai and Anr. ...Respondents

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Ms. Priyanka Babar i/b. Mr. Tajpal Ingale for Applicants
Ms. D. Shalini Shankan 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. The Applicants are the father and mother of the deceased. Applicant No.1 is aged 67 years and Applicant No.2 is aged 64 years. Due to the sudden death of their son-deceased, they are in mental shock and hence, they have shifted to their native place Loneri, Tal. Mangaon, Dist. Raigad. The Applicants have stated that they are suffering from various old age ailments. The Applicants have further stated that they are also intending to carry out repairs to the residential premises for which they have to spend substantial amount.

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

4. I have heard both the sides and also I have gone through the Interim Application. According to me, a case is made out by Applicant for allowing to withdraw 50% decretal amount deposited by the Insurance Company as per the ratio mentioned in the impugned judgment and order dated 8 February, 2017.

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

6. The 50% of the decretal amount awarded to the Applicant Nos.1 and 2 , as per the share mentioned in the impugned Judgment and Order dated 8 February, 2017 is allowed to be withdrawn, upon furnishing an undertaking before the concerned MACT to the effect that if they fail in this First Appeal, they will return the amount with interest, at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.

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 upon the pendency of this Court.

8. Interim Application No. 15094 of 2023 is accordingly disposed of.

9. 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)