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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO.15189 OF 2023
IN
FIRST APPEAL (STAMP) NO.15661 OF 2022

Bandu H. Todkar & Anr. ...Applicants
V/s.
Reliance General Insurance Co. Ltd. & Ors. ...Respondents

Ms.Shalini Shankar for the Appellant.

Ms.Priya Babar i/b Mr.Tejpal S. Ingale for the Respondents and for the Applicant in IA No.15189 of 2023.

CORAM : RAJESH S. PATIL, J.
DATE : 1ST NOVEMBER, 2023.

P.C. :-

1. This Interim Application is filed by the Applicants for withdrawal of the amount deposited by the Insurance Company. It is the case of the Applicants that the Applicants are father and mother of the deceased. It is the case of the Applicants that the deceased was the bread earner of the family. The Applicants are senior citizens and due to shock of the death of their only son, they are now shifted to their native place. It is further the case of the Applicants that Barshi Municipal Council has issued them a notice for payment of arrears of municipal taxes, which is more than Rs.50,000/-. It is further their

case is they have to repair their house. Hence the Applicants pray that they be allowed to withdraw the amount deposited by the Insurance Company.

2. 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 Applicants are permitted to withdraw 60% of the 'Award' amount deposited by the Insurance Company along with accrued interest as per the ratio mentioned in the impugned Judgment and Award dated 14 February 2022 passed by MACT, Mumbai.

3. The 60% of the 'Award' amount awarded to each the Applicants are allowed to be withdrawn along with accrued interest, upon furnishing an undertaking before the MACT, Mumbai to the effect that if they fail in this First Appeal, they will return the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.

4. The Registry to see that the money is transferred to the account of the Applicant.

5. 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.

6. All the parties to act on an authenticated copy of this order.

Issuance of certified copy of this order is expedited.

7. The interim application is accordingly disposed of.

WITH
INTERIM APPLICATION NO.30193 OF 2023
IN
FIRST APPEAL (STAMP) NO.15661 OF 2022

Reliance General Insurance Co. Ltd. ...Appellant
V/s.
Bandu H. Todkar & Anr. ...Respondents

1. This Interim Application is filed by the Appellant – Insurance Company for condonation of delay in filing the First Appeal. There is delay of 82 days in filing the First Appeal. There is no reply filed opposing this Interim Application.

2. I have gone through the contents of the Interim Application. Case is made out to condone the delay in filing the First Appeal.

3. Interim Application is made absolute in terms of prayer clause (a).

4. The Interim Application is accordingly disposed of.

(RAJESH S. PATIL, J.)