IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION
INTERIM APPLICATION No.15115 OF 2023
IN
FIRST APPEAL (ST) No.15576 OF 2022

Vishwanath Balaji Sawant and Ors. ...Applicants
Vs.
Reliance General Insurance Company Ltd., Mumbai and Anr. ...Respondents

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Ms. Priyanka Babar i/b. Tejpal Ingale for Applicants
Ms. D. Shalini Shankar 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 Applicant Nos. 1 to 3 are the legal heirs of the deceased. Applicant No.1 is the father of the deceased and Applicant No.2 is the mother of the deceased. Applicant No.3 is the brother of the deceased. Applicant Nos. 1 and 2 are the senior citizens and it is stated in the Interim Application that the Applicants were in mental shock due to the sudden death of their son. It is further stated that the Applicants are suffering from various old age ailments and Applicant No.1 father of the deceased operated for Harnia and they have shifted to native place Sawarde, Dist. Ratnagiri.

The Applicants stated that they have no source of income. It is further stated that Applicant No.3, who is brother of the deceased, leaving separately from Applicant Nos. 1 and 2 at Mumbai. It is further stated that the Applicants intend to carry out necessary repair work of their residential house at native place 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 No.1 and 2 for allowing to withdraw 50% decretal amount deposited by the Insurance Company as per the ratio mentioned in the impugned judgment and order dated 14 February, 2022.

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Nos.1 and 2 , as per the share mentioned in the impugned Judgment and Order dated 14 February, 2022 is allowed to be withdrawn, upon furnishing an undertaking before the concerned MACT to the effect that if they fail in this First Appeal, they will return the amount with interest, at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.

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. 15115 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)