**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**
**CIVIL APPELLATE JURISDICTION**
**INTERIM APPLICATION No.15085 OF 2023**
**IN**
**FIRST APPEAL ST. No. 12487 OF 2023**

**Waman Bandu Belanekar and Anr. ...Applicants**
**Vs.**
**Reliance General Insurance Co. Ltd.,**
**Mumbai and Ors. ...Respondents**

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**Ms. Priyanka A. Babar i/b. Tejpal S. Ingale for Applicants**
**Ms. D. Shalini Shankar for Respondent-RGICL**

**CORAM : RAJESH S. PATIL, J.**

**DATED : 11 SEPTEMBER, 2023**

**P.C.:**

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

2. The Applicants are the Original Claimants. Applicant No.1 is the father of the deceased and Applicant No.2 is the mother of the deceased. Both the Applicants are senior citizens. According to the Applicants, Applicant No.1 is suffering from paralysis and he is required constant medical treatment. It is further stated that Rs.10,000/- p.m. is required for medical treatment of Applicant No.1. The Applicants further stated that Applicant No.2 is also senior citizen and due to the sudden death of her son-deceased, she is in shock. Further it is also stated that the residential accommodation needs repair for which monies would be required.

3. The Advocate for the 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, in the interest of justice, it would be appropriate if the Applicants are permitted to withdraw partial 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 Applicants are permitted to withdraw partial sum of Rs.15,00,000/- from the entire decretal amount awarded to them at this stage, 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. 15085 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)**