

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

INTERIM APPLICATION NO.16105 OF 2023

IN

FIRST APPEAL NO.298 OF 2023

Ms. Reshma Shekhar Mate & Ors. ...Applicants

Versus

The Manager, Reliance General Insurance
Co. Ltd. (Anil Dhirubhai Ambani Group)
Policy Serving Office

...Respondent

Ms. Sayli Thakur h/f Ms. Shalini Shamkar for the Appellant.
Adv. K. M. Hosurkar for Respondent in First Appeal and for
Applicant in Interim Application.

CORAM : RAJESH S. PATIL, J.

DATED : 12th OCTOBER, 2023.

PC.:

INTERIM APPLICATION NO.16105 OF 2023

1. This Interim Application is filed for withdrawal of the amount deposited by the Insurance Company.
2. Interim Application states that due to the death of Shekhar Mate, the Applicant who are legal heirs of the deceased have a huge financial problems, in fact they are struggling for their day to day maintenance. Even the basic needs are difficult to be satisfied. The Applicant Nos.2 and 3 are minors studying in schools. Monies are required for their education. The Applicant

No.4 is a mentally retarded lady, who is the sister of the deceased. The Applicant No.5 is the mother of the deceased. The Applicant No.1 is the widow of the deceased. The Applicant No.1 is a homemaker. The Applicants pray that they may be allowed to withdraw the amount from deposit paid by the Insurance Company. The Insurance Company has not filed any affidavit-in-reply whose in this Interim Application.

3. I have heard both the sides and I have gone through the contents of the Interim Application, the case is made out to partially allow to withdraw the amount deposited, to Applicant Nos.1, 4 and 5.

4. According to me, in the interest of justice, it would be appropriate if the Applicant Nos. 1, 4 and 5 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.

5. 60% of the 'Award' amount awarded to the Applicant Nos. 1, 4 and 5 allowed to be withdrawn along with accrued interest, upon furnishing an undertaking before the concerned MACT to the effect that if they fail in this First Appeal, they will return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. 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.

8. The Registry to see that the money is transferred to the account of the Applicant Nos. 1, 4 and 5.

(RAJESH S. PATIL, J.)