

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 15337 OF 2023
IN
FIRST APPEAL NO. 692 OF 2023

Renuka Moreshwar Dixit And
Ors. ... Applicants

In the matter between
Royal Sundaram General
Insurance Co. Ltd.,Pune And ... Appellants
Ors.

Vs

Renuka Moreshwar Dixit And
Ors. ... Respondents.

.....

Mr.Yogesh Pandey for the Applicants.
Mr.Nikhil Mehta i/b. KMC Legal Venture for the Respondents.

.....

CORAM : NITIN JAMDAR, AND
MANJUSHA DESHPANDE, JJ.

DATE : 8 December 2023.

P.C. :

This is an application taken out for withdrawal of the amount deposited by the Appellant-Insurance Company. The Applicants are Respondents in the Appeal are original Claimants. They are the heirs of Moreshwar Dattaram Dixit who, while travelling by road, met with an accident on 18 June 2015 and succumbed to injuries. The

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Motor Accidents Claims Tribunal by the order impugned in Appeal dated 12 January 2023 directed the Appellant-Insurance Company (Respondent in the Interim Application) to pay compensation to the tune of Rs.2,47,63,200/- alongwith interest with shares being defined. Applicant No.1 is the Wife of the deceased; Applicant No.2 is a minor Son of the deceased; and Applicant No.3 and 4 are the Parents of the deceased.

2 We have heard the learned counsel for the parties.

3 The Applicants/Claimants have prayed for withdrawal of 75% of the amount deposited. The learned counsel for the Appellant-Insurance Company opposes the withdrawal stating that not only quantum is disputed but negligence has been attributed to the driver of the Car in which the deceased was travelling.

4 Having considered the facts and circumstances from the impugned Judgment and order and the position in which the Applicants are placed, we are of the opinion that 50% of the deposited amount be permitted to be withdrawn by the Applicants upon an undertaking.

5 Accordingly the application is disposed of permitting the Applicants to withdraw 50% of the deposited amount (with interest). The withdrawal of 50% will follow the same methodology, as stipulated in the impugned order. This withdrawal will be permitted

subject to the Applicants filing an undertaking on Affidavit that in case the Applicants fail in the Appeal they will re-deposit the amount in this Court.

(MANJUSHA DESHPANDE, J.)

(NITIN JAMDAR, J.)