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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO.15662 OF 2023
IN
FIRST APPEAL NO.293 OF 2023

Shahabuddin Moiuddin Shaikh & Ors. ...Applicants
V/s.
Reliance General Insurance Co. Ltd. & Anr. ...Respondents

Ms.Priyanka Babar i/b Mr.Tejpal Ingale for the Applicants in IA and for the Respondent in FA.

Ms.Shalini Shankar for the Appellant.

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 Appellant / Insurance Company before the MACT, Mumbai.

2. It is the case of the Applicants that the deceased was minor of eight years old and the student at the relevant time. Applicant No.1 is the father of the deceased. The mother of the deceased unfortunately also died in the said accident. The family of the deceased has been shattered after the said accident. Since the mother of the deceased and and the deceased died, the father is

required the help of a servant for household work. The Applicant's family has suffered lot of distress and agony. Therefore the Applicants be allowed to withdraw the amount deposited by the Insurance Company.

3. 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 Applicant No.1 is permitted to withdraw 90% of the 'Award' amount deposited by the Insurance Company along with accrued interest.

4. The 90% of the 'Award' amount awarded to the Applicant No.1 is allowed to be withdrawn along with accrued interest, upon furnishing an undertaking before the concerned MACT to the effect that if he fail in this First Appeal, he will return the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.

5. The Registry to see that the money is transferred to the account of the Applicant No.1.

6. 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.

7. All the parties to act on an authenticated copy of this order. Issuance of certified copy of this order is expedited.

8. The Interim Application is accordingly disposed of

(RAJESH S. PATIL, J.)