

10<sup>th</sup> January, 2023

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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**

**CIVIL APPELLATE JURISDICTION**

**INTERIM APPLICATION No. 20500 OF 2022**

**IN**

**FIRST APPEAL No. 1115 OF 2022**

Hiradevi Devendra Sahani

Hence by and their Natural Guardian

Mother for Respondent Nos.2 to 4 others ...Applicants

Vs.

HDFC Ergo General Insurance Co. Ltd. ...Respondent

**WITH**

**INTERIM APPLICATION No. 18818 OF 2022**

**IN**

**FIRST APPEAL No. 1115 OF 2022**

HDFC Ergo General Insurance

Company Ltd. ...Applicant/

Appellant

Vs.

Hiradevi Devendra Sahani

Hence by and their Natural Guardian

Mother for Respondent Nos.2 to 4 and Ors. ...Respondents

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Mr. Sugat P. Ingle for Applicant

Mr. Sarthak S. Diwani for Respondent and for Appellant in IA

No. 20500 of 2022

**CORAM : SANDEEP K. SHINDE, J.**

**TUESDAY 10TH JANUARY, 2023**

**P.C. :**

1. In consideration of the facts of the case and in particular, that the husband of Applicant No.1 died in vehicular accident on 25<sup>th</sup> February, 2016 and further, in view of their age, I am inclined to permit the Applicants to withdraw Rs.25,00,000/- (Rupees Twenty Five Lacs) deposited by the Appellants pursuant to Award dated 6<sup>th</sup> May, 2022 in MACP 1533/2016 passed by the MACT, Mumbai. The Learned Member shall disburse the amount in view of the 'apportionment' order passed in the said application.
2. Applicants shall file an undertaking, stating that, in the event the Appellant succeeds, they shall bring back the amount with interest.
3. Application is partly allowed and disposed of.
4. All acts on authenticated copy of this order.

**(SANDEEP K. SHINDE, J.)**