

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
INTERIM APPLICATION NO. 17321 OF 2023
IN
FIRST APPEAL NO. 1135 OF 2023**

Vimal Bhimraj Sapnar and ors.Applicants

In the matter of:
General Manager, Iffco Tokio General Insurance Co.
Ltd.Appellant

Versus

Vimal Bhimraj Sapnar and ors.Respondents

Mr. Pritesh K. Bohade, Advocate for Applicants/Respondents.
Mr. Rahul Mehta, Advocate for Appellant.

CORAM : SHIVKUMAR DIGE, J.

DATE : 28th NOVEMBER, 2023.

P.C. :

1. Learned counsel for applicants submitted that the Trial Court has passed an award in favour of applicants. Appellant-Insurance Company has deposited the amount. Applicant Nos.4 and 5 are senior citizens. They need the amount for medical treatment. Applicant No.2 is pursuing education. Deceased was the sole earning member of applicants' family. Hence, requested to allow the application.

2. Learned counsel for appellant-Insurance Company strongly objected to allow the application on the ground that Tribunal has awarded compensation on higher side and the said fact is challenged by Insurance

Company by way of appeal. If applicants are permitted to withdraw the amount and Insurance Company succeeds in appeal, it would be difficult for the Insurance Company to recover the amount. Hence, requested to reject the application.

3. I have heard both learned counsel. Deceased was the sole earning member of the applicants' family. Applicants need the amount for educational purpose of applicant No.2 and medical treatment of applicant Nos.4 and 5. Considering this fact, I pass the following order :

O R D E R

1. Application is allowed.
2. Applicants are permitted to withdraw 30% amount along with accrued interest thereon out of deposited amount on filing usual undertaking.

Interim Application stands disposed of.

(SHIVKUMAR DIGE, J.)