

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.24 OF 2023
IN
FIRST APPEAL NO.426 OF 2008

Smt. Manisha Sadikhussain Kadri And Ors ...Applicants

Versus

United India Insurance Co. Ltd. ...Respondents

Ms.Pranali Raut a/w Mr.Rahul Singh, Ms.Varsha Salukhe i/b
Mr.Rajesh Behere, for the Applicants.

Ms.Poonam Mittal, for the Respondents.

CORAM : SHIVKUMAR DIGE, J.

DATE : 13 APRIL 2023

P.C:-

. It is contention of the learned counsel for the Applicant that the Division Bench of this (Coram : J.N. Patel and A.A. Sayed, JJ.) By order dated 2 July 2007 permitted the Applicant to withdraw the whole compensation amount. But the Applicants have withdrawn 50% of said amount. The 50% amount is deposited in the FD of the bank. The Applicant be permitted to withdraw accrued interest on the said amount.

2. The learned counsel for the Respondent-Insurance Company strongly objected for withdrawal of the amount.

3. I have heard both learned counsel.

4. Admittedly, the Applicants are permitted to withdraw whole compensation amount. But the Applicant has withdraw 50% of the said amount, 50% amount is in the Fixed Deposit of the Bank. The Applicants are praying to permit them to withdraw accrued interest thereon as the Applicant's have no source of income and they need amount for daily expenses.

5. I do not find any hurdle to allow the Applicants to withdraw accrued interest on the amount and I pass following order.

ORDER

- (i) The Application is allowed.
- (ii) The Applicant's are permitted to withdraw accrued interest on the amount of Rs.3,18,782/-, which are fixed in three FDR's on furnishing undertaking.

(SHIVKUMAR DIGE, J.)