

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**INTERIM APPLICATION NO.17230 OF 2023
IN
FIRST APPEAL NO.833 OF 2023**

Arun Pandurang Patil And Ors.	...Applicant
Versus	
IFFCO TOKIO General Insurance Co.Ltd.	...Respondents

Mr. Vikrant Parashuram for the Appellant.
Mr. T.J. Mendon for Respondent and Applicant in IA/17230/2023.

CORAM : RAJESH S. PATIL, J.

DATED : 9 NOVEMBER, 2023

P.C.:

1. This Interim Application is filed by the Original Claimant for withdrawal of the amount deposited by the Insurance Company.

2. It is a case of the Applicants that Applicant No.1 is the husband of the deceased and Applicant Nos.2 and 3 are the daughter and son of the deceased respectively. It is further submitted that the deceased lady was a Fish Vendor and also homemaker. Due to the sudden death of the deceased the family has suffered monetarily and have also suffered emotionally. It is further submitted that the income of Applicant No.1 is not enough for the family of the deceased for their livelihood, and they have to depend now upon their friends and well wishers. Therefore, the present Application is preferred so that the

monies withdraw can help the Applicant No.3 in pursuing Diploma in Mechanical Engineering.

3. I have heard both the sides and I have gone through the contents of the Interim Application, a case is made out for partial withdrawal of the amount deposited by the Insurance Company.

4. The Applicant Nos.1, 2 and 3 are allowed to be withdrawn Rs.3,00,000/- each, upon furnishing an undertaking before the concerned MACT to the effect that if they fail in this First Appeal, they will return the amount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.

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.

8. The interim application is accordingly disposed of.

(RAJESH S. PATIL, J.)