



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

78 CIVIL APPLICATION NO. 1866 OF 2024
IN FA/734/2020

ANAND VYANKATRAO WALANKE (DIED) THR LRS VYANKATRAO BAPURAO
WALANKE AND ORS

VERSUS

THE RELIANCE GENERAL INSURANCE CO. LTD., THR ITS LEGAL OFFICER,
AURANGABAD

...
Advocate for Applicant : Mr. A.A. Phad h/f. Mr. P.P. Uttarwar
Advocate for Respondent 1 : Mr. S.S. Patil
...

CORAM : KISHORE C. SANT, J.

Dated : July 22, 2024

PER COURT :-

1. This application is for withdrawal of amount deposited by the appellant/Insurance Company in this Court along with interest. The applicants are the original claimants who succeeded before the MACT. The amount is towards compensation.
2. The application is opposed by the learned advocate for the appellant/Insurance Company stating that the grounds involved in the appeal are to the extent of disability which is not considered by MACT. Another ground is grant of interest at exorbitant rate.
3. It is the claim by the legal heirs of the original claimants who had filed injury claim and subsequently died during the pendency of the appeal. Be that as it may. This Court is inclined to allow the application to some extent considering that the claimants are legal heirs of the original claimants in the injury claim. Considering the above, following order.

ORDER

- (i) The applicants are permitted to withdraw 50% of the amount along

with accrued interest deposited in this Court by the appellant/Insurance Company on furnishing usual undertaking. Further 25% of the amount along with interest is permitted to be withdrawn on furnishing solvent surety/security to the satisfaction of the learned Registrar Judicial of this Court. Remaining amount be invested in fixed deposit in any nationalized bank till the disposal of the appeal. The application is allowed and disposed of accordingly.

(KISHORE C. SANT, J.)

ssc/