



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

CIVIL APPLICATION NO. 14885 OF 2023
IN FA/85/2021

BASANTIDEVI W/O KRUSHNADAS MOCHI AND OTHERS
VERSUS
NATIONAL INSURANCE CO. LTD., THR BRANCH MANAGER JALNA
AND OTHERS

...
Advocate for Applicants : Mr. Sohel E. Siddiqui
Advocate for Respondent No.1 : Mr. A. B. Gatne
...

CORAM : S. G. MEHARE, J.

DATE : 15-03-2024

PER COURT :-

1. Heard the learned counsel for the applicants and the learned counsel for respondent No.1/insurer.
2. Learned counsel for the appellant submits that instead of deciding the application, the appeal may be disposed of on merit.
3. Learned counsel for the applicants submits that the claim has been decided in 2019 and stay has been secured. Therefore, the applicants could not get the fruits of the award. The applicants are in dire financial crisis. The appeal is preferred only on the ground of quantum. Therefore, they deserve to receive some solace from this Court. He prays for deciding the application at this juncture. The parties agreed the matter may be decided finally. Hence, the following order;

ORDER

- i) The application is partly allowed.
- ii) The applicants are permitted to withdraw 80% of the amount deposited with this Court with accrued interest on furnishing undertaking that they would deposit the money, if the impugned judgment and award is reversed.
- iii) Applicant No.1/guardian mother should furnish undertaking for and on behalf of applicant No.4 Kum. Munuwa d/o. Krushnadas Mochi.
- iv) The amount permitted to be withdrawn with proportionate interest should be apportioned equally.
- v) The share of respondent No.4 be invested in a fixed deposit in a Nationalized Bank of the choice of her guardian mother, till she attains majority, with right to receive interest at quarterly rests.
- vi) 50% share of applicants No.2, 3 and 5 be invested for three years in the fixed deposit in a Nationalized Bank of their choice, with right to receive interest at quarterly rests.
- vii) In view of the order of this Court, by consent, list the first appeal for final hearing on 04.04.2024.

(S. G. MEHARE)
JUDGE

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