

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 10105 OF 2024
WITH
INTERIM APPLICATION (STAMP) NO. 24633 OF 2024
IN
FIRST APPEAL NO. 773 OF 2023

Tejshree Pankaj Thorat ... Applicant

In the matter between :-

Reliance General Insurance Co. Ltd. ... Appellant

vs.

Surekha Shantram Thorat & Ors. ... Respondents

Mr. Vaibhav Vasantrao Ugle :-	Advocate for Applicant in Interim Application and for Respondent No. 4 in First Appeal.
Ms. Yashika S. Jain i/b. Ms. Kalpana Trivedi :-	Advocate for Respondent/Appellant.
Mr. Shivprasad Shetty i/b. Ms. Deepti B. Mistry and Mr. Vijay L. Hinge :-	Advocate for Respondent Nos. 1 and 2 in First Appeal.

CORAM : S. M. MODAK, J.

DATE : 26th AUGUST 2024

P. C. :-

1. Hard learned Advocate for Respondent No. 4 - wife, learned

Advocate for Respondent Nos. 1 and 2 – parents of the deceased and learned Advocate for Appellant – Insurance Company.

2. As directed on the last date, amount is deposited before the Tribunal. Wife of the deceased has applied for the withdrawal whereas the Respondent Nos. 1 and 2 have tendered withdrawal application today in the Court. There is strong objection for withdrawal on behalf of Appellant.

3. Even breach of terms of policy is not proved before the Tribunal. The Tribunal has written it in paragraph No. 12 of the impugned judgment. In that view, I think both the sets of Respondents can be permitted to withdraw 75% amount which is awarded by the Tribunal. Each of the Respondents has to be apportioned the amount between them. Rs.2,00,000/- (Rupees Two Lakh only) has to be deposited from the share of Respondent No. 4 – wife. By keeping intact that amount, withdrawal of 75% is permitted. Hence order :-

ORDER

- (i) Respondent Nos. 1 and 2 are permitted to withdraw 75% of the deposited amount alongwith accrued interest on furnishing usual undertaking.

- (ii) Respondent No. 4 is permitted to withdraw an amount of 75% from the deposited amount alongwith interest (by keeping deposit for Rs.2,00,000/- intact) on furnishing usual undertaking.
- (iii) Let the Tribunal to allow the withdrawal considering individual share to the tune of Rs.10,50,000/- (Rupees Ten Lakh Fifty Thousand only) and in that proportion allow the withdrawal.

4. Interim Application is disposed of.

[S. M. MODAK, J.]

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