

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
INTERIM APPLICATION NO. 15735 OF 2024
IN
FIRST APPEAL(ST)NO.30779 OF 2023

Deepa Anil Menezes & Anr .. Applicants
IN THE MATTER BETWEEN
Royal Sundaram Alliance Ins.Co Ltd ..Appellant

Versus

Deepa Anil Menezes & Anr .. Respondents
And
Paras Shah ..Respondent No.3

Mr.Avadhut Bidaye, with *Mr. Aditya Kode i/b Bidaye & Associates, Advocates for the Applicant/Orig.Respondent Nos.1 and 2.*

Mr.Nikhil Mehta (through VC) i/b *KMC Legal Venture, Advocates for the Orig.Appellant.*

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CORAM: B. P. COLABAWALLA &
SOMASEKHAR SUNDARESAN, JJ.
DATE: DECEMBER 16, 2024

P. C.

1. The above Interim Application is filed by the Applicants (Original Respondent Nos.1 and 2 in the Appeal) to withdraw the entire amount deposited by the Appellant in the Motor Accidents Claims Tribunal ("MACT"). The amount deposited in the MACT is a sum of Rs.3,20,65,756/-, which is inclusive of interest upto a certain date.

2. The learned counsel appearing on behalf of the Insurance Company (the Appellant) vehemently opposed the withdrawal of any amount by the Applicants/Original Respondent Nos.1 and 2. The ground on which it is opposed is that the entire quantum awarded by the MACT is disputed by the Insurance Company, on the ground of negligence.

3. We have heard the learned counsel appearing on behalf of the Applicants (Respondent Nos.1 and 2 in the Appeal) as well as the learned counsel appearing on behalf of the Appellant. We have also perused the impugned order. Considering that the Applicants have succeeded before the MACT, we are not satisfied, at-least *prima facie*, that no amount awarded by the MACT, (although it is seriously disputed) needs to be held back from the Appellant. We are of the view that the Applicants can be permitted to withdraw certain amounts as more particularly set out hereinbelow. Accordingly, we pass the following order:-

- a) As per the order of the MACT, the amount of Rs.75 Lakhs shall continue to remain invested in the name of the minor (Respondent No.2) in a Fixed Deposit of any Nationalized Bank under the guardianship of his mother (Respondent

No.1) until he attains the age of majority. On attaining the age of majority, Respondent No.2 shall be entitled to withdraw the amount of Rs.75 Lakhs along with accrued interest, if any, subject to Respondent No.2 giving an undertaking to the MACT that he shall bring back the aforesaid amount with such rate of interest as may be directed by this Court at the time of disposal of the Appeal.

- b) Applicant No.1 (Original Respondent no. 1 in the Appeal) is permitted to withdraw an amount of Rs.75 Lakhs deposited before the MACT on furnishing an undertaking to the MACT that she shall bring back the amount with such rate of interest as may directed by this Court at the time of hearing of the Appeal. The balance amount deposited by the Appellant shall be invested by the MACT in a Fixed Deposit of any Nationalized Bank and shall be renewed from time to time and will abide by the final orders passed in the above Appeal.

5. At this stage the learned counsel appearing on behalf of the Applicants stated that at the time of the filing of the above Appeal, the

Appellant has also deposited in this Court, a sum of Rs.25,000/-. He requested that this amount also be transferred to MACT. It is accordingly so ordered and the Registry to act accordingly.

6. The above Interim Application is disposed of in the aforesaid terms. However, there shall be no order as to costs.

7. This order will be digitally signed by the Private Secretary/ Personal Assistant of this Court. All concerned will act on production by fax or email of a digitally signed copy of this order.

[SOMASEKHAR SUNDARESAN, J.] [B. P. COLABAWALLA, J.]