

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

**INTERIM APPLICATION NO. 15896 OF 2023
IN
FIRST APPEAL NO. 1125 OF 2024**

Smt. Shridevi Vijay Tankale Applicant

In the matter between :-

Tata AIG General Insurance Co. Ltd. Appellant

V/s.

Smt. Shridevi Vijay Tankale and Ors. Respondents

Mr. Yogesh Thorat i/b. Mr. Ashok B. Tajane for the Applicant.
Mr. Nikhil Mehta, through VC i/b. KMC Legal Venture for the Appellant – Insurance Company.

CORAM : SHYAM C. CHANDAK, J.

DATED : 25th MARCH, 2025

P.C. :-

- . Heard learned Advocates for the respective parties.
- 2) By this Application, the Original Claimant has prayed for permission to withdraw the compensation amount along with accrued interest deposited by the Appellant – Insurance Company.
- 3) Mr. Mehta, learned Advocate for the Appellant opposed the Application on the ground that the risk of the deceased was not covered in the subject policy as it was an act policy.
- 3.1) By Order dated 16th June 2022, the Applicant was permitted to withdraw 25% of the compensation amount of her share. Now, the withdrawal is sought on the ground that the Applicant is doing labour.

That, the Applicant is aged and have certain medical complaints. That, she has already lost her husband.

4) In view thereof, the Applicant is permitted to withdraw additional 25% of the compensation amount with proportionate interest subject to furnishing usual undertaking that in case the Appellant succeeds in this Appeal, the Applicant/Claimant would refund the said amount along with interest as would be directed by this Court. The Tribunal shall invest remaining amount of compensation with nationalized bank giving highest interest from time to time.

5) The statutory amount deposited in this Court shall be transferred to the Tribunal.

6) Interim Application stands disposed of.

(SHYAM C. CHANDAK, J.)

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