

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

**INTERIM APPLICATION NO. 6638 OF 2024
IN
FIRST APPEAL NO. 369 OF 2024
WITH
FIRST APPEAL NO. 369 OF 2024**

Reliance General Insurance Co. Ltd. Applicant

V/s.

Smt. Rekha Lalchand Patel and Ors. Respondents

Mr. Avesh Ghadge i/b. Mr. Akshay Kulkarni for the Applicant/Appellant.
Mr. T.J. Mendon a/w. Mr. T.R. Kale for Respondent Nos.1 to 5.

CORAM : SHYAM C. CHANDAK, J.

DATED : 07th MAY, 2025

P.C. :-

. Mr. Ghadge, learned Advocate states that as per interim stay Order dated 11th March, 2024 the Applicant has deposited the entire amount of award along with accrued interest.

2) In view thereof, the Application is allowed in terms of prayer clause (b) and stands disposed of.

3) At this stage, Mr. Mendon, learned Advocate for Respondent Nos.1 to 5 submitted that said Respondents, being the dependents of the deceased, be permitted to withdraw the entire compensation amount along with accrued interest.

4) The aforesaid request is strongly opposed by Mr. Ghadge, learned Advocate for the Appellant. However, he submits that there is no statutory defence or defence of fake policy.

5) The accident occurred on 18/10/2019. The claim was filed in the year 2020 and since then the Respondents/Claimants have been waiting for the compensation. As such, directing the Claimants to file an application for withdrawal of the amount of award would add to that delay. It is not in dispute that the Claimants were depending on the income of the deceased.

6) In view thereof, Respondent Nos.1 to 5/Claimants are permitted to withdraw 50% of the compensation amount of their share with proportionate interest subject to furnishing usual undertaking that in case the Appellant succeeds in this Appeal, the Respondent Nos.1 to 5/Claimants 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.

7) List the Appeal on **08th September, 2025.**

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(SHYAM C. CHANDAK, J.)