

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

**INTERIM APPLICATION NO. 3912 OF 2025
WITH
INTERIM APPLICATION NO. 3913 OF 2025
IN
FIRST APPEAL (ST.) NO. 21298 OF 2023**

Reliance General Insurance Co. Ltd., Mumbai	 Applicant
V/s.	
Mrs. Chetna Jayesh Agrawal and Ors.	 Respondents

**WITH
INTERIM APPLICATION NO. 14117 OF 2024
IN
FIRST APPEAL (ST.) NO. 21298 OF 2023**

Chetna Jayesh Agrawal and Ors.	 Applicants
In the matter between :-	
Reliance General Insurance Co. Ltd., Mumbai	 Appellant
V/s.	
Chetna Jayesh Agrawal and Ors.	 Respondents

Mr. Akshay Kulkarni for the Applicant in IA/3913/2025 and IA/3914/2025
and for the Appellant in FA.
Mr. Navin Sheth for Respondent Nos.1 to 3.

CORAM : SHYAM C. CHANDAK, J.

DATED : 17th MARCH, 2025

P.C. :-

ORDER IN INTERIM APPLICATION NO. 3912 OF 2025 :-

- . Learned Advocate for the Applicant seeks leave to amend to state the ground for substitute service.
- 2) Leave to amend. Amendment be carried out forthwith.
 - 3) Stand over to **08th May, 2025**.

ORDER IN INTERIM APPLICATION NO. 3913 OF 2025 :-

- 4) Issue notice to the Respondents, returnable on **08th May, 2025**.
- 5) Mr. Navin Sheth, learned Advocate waives notice on behalf of Respondent Nos.1 to 3. The Applicant to provide copies of the Application to the Registry, for service of notice on Respondent Nos.4 and 5. In addition to Court's notice, the Applicant to serve the Respondent Nos.4 and 5 by private notice and file affidavit of service before the returnable date. Hamdast allowed.

ORDER IN INTERIM APPLICATION NO. 14117 OF 2024 :-

- 6) By this Application, the Applicants/Claimants seek permission to withdraw the compensation amount deposited by the Appellant with the Motor Accident Claims Tribunal.
- 7) The Applicants are the original Claimants. The compensation amount is totaling to Rs.44,95,219/- with interest @ 7% p.a. from the date of application till realization of entire amount. The said amount is apportioned among the Applicant Nos.1 and 2 being the wife and daughter of the deceased respectively in the ratio of 40% each.
- 8) Mr. Sheth, learned Advocate for the Claimants submits that more than Rs.15 lakhs were incurred on the medical treatment of the deceased, which were arranged by borrowing money from relatives/friends. He states that the Applicant No.3 had to sell her house property for repayment of borrowed money. Now, the Applicant No.1 has re-married. Therefore, he submits that Rs.15 lakhs may be permitted to be

withdrawn by Applicant No.3.

9) Mr. Kulkarni, learned Advocate for the Insurance Company has opposed the Application.

10) The Applicant No.2 is minor. In view thereof and considering the other facts of the case, Applicant Nos.1 and 3 being the wife and mother of the deceased, are allowed 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 Applicants/Claimants would refund the said amount along with interest as would be directed by this Court. The Tribunal shall invest 50% of the amount with nationalized bank giving highest interest from time to time. The statutory amount deposited in this Court shall be transferred to the Tribunal.

11) Interim Application No.14117 of 2024 stands disposed of.

(SHYAM C. CHANDAK, J.)