

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO.15957 OF 2024

IN

FIRST APPEAL NO. 124 OF 2024

RATNA PARASHRAM GODSE AND ORS. ..APPELLANTS

VS

PRABHARAKAN DURAIRAJ AND ORS. ..RESPONDENT

Mr. D.P. Singh, Ld. Advocate for Appellant.

Mr. Pritesh K. Bohade, Ld. Advocate for Respondent.

CORAM : RAJESH S. PATIL, J.

DATE : 4 SEPTEMBER 2025.

P.C. :

- 1.** This Interim Application is filed by the original claimant seeking withdrawal of the amount deposited by the Appellant – Insurance Company, before the MACT, Nashik.
- 2.** Appellant - Insurance Company has not filed reply opposing this Application.
- 3.** The Applicant submits that due to the unfortunate accident, they have suffered financially and mentally. The

applicant submitted that they have no sufficient source of income, therefore, the present application has been filed.

4. I have heard Counsel for both the sides and also I have gone through the contents of the Civil Application. According to me, in the interest of justice, it would be appropriate if the Applicant is permitted to withdraw 50% of the decretal amount deposited by the Insurance Company as per the ratio mentioned in the impugned judgment and order dated 08.01.2019.

5. The Registry should verify and see it that the amount is directly transferred in the sole account of the claimant.

6. The 50% of the decretal amount awarded to the Applicants is allowed to be withdrawn, upon furnishing an undertaking before the MACT to the effect that if they fail in this First Appeal, they will return the amount with interest, at such rate as may be directed by this Court at the time of disposal of the First Appeal.

7. All the parties to act on an authenticated copy of this order. Issuance of certified copy of the order is expedited.

8. The interim application No.15957/2024 is accordingly disposed of.

(Rajesh S. Patil, J.)