IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
INTERIM APPLICATION NO. 3516 OF 2024
IN
FIRST APPEAL NO. 464 OF 2023
WITH
FIRST APPEAL NO. 464 OF 2023

Pallavi Suyog Patil & Anr. ...Applicants
Versus
Oriental Insurance Company Ltd. ...Respondent

AND
INTERIM APPLICATION NO. 1166 OF 2025
IN
FIRST APPEAL NO. 464 OF 2023

Manisha Harishchandra Patil & Anr. ...Applicants
Versus
Oriental Insurance Company Ltd. ...Respondent

Mr. D. D. Shinde for Applicants in IA No. 1166/2025.
Mr. Krishna Tarde i/b. Mr. Angad Singh Gill for Applicants in IA No. 3516/2024.
Mr. Rajesh Kanojia i/b. Res Juris for Appellant.

CORAM: G. S. KULKARNI & ADVAIT M. SETHNA, JJ.
DATE: 09 MAY 2025.

P.C.

1. These are two interim applications which are filed by the relatives of the deceased-Suyog Patil. Interim Application No. 3516 of 2024 is filed by the widow and the minor son of the deceased victim praying for withdrawal of the compensation amount pending the final disposal of the first appeal. Interim Application No. 1166 of 2025 is filed by the parents of the deceased victim who are senior citizens aged about 67 years and 82 years respectively.

2. We have perused the averments as made in the applications. It appears that the applicants in I.A. No. 3516 of 2024 (i.e. widow and minor son of the deceased) are staying in rented premises. Applicant no.1 is not working. Applicant no.2 is taking education. There are educational expenses which are required to be incurred by applicant no.1 for applicant no.2 which are substantial. Applicant no.1 has no other source of income.

3. Insofar as averments as made in the interim application filed by the parents are concerned, they are also in financial requirement being senior citizens. It is on such backdrop, we are required to consider the applications for withdrawal of the compensation amount which stands deposited with the Registry of MACT at Pune. In the proceedings of M.A.C.P. No. 328 of 2016, learned member of the MACT, Pune awarded compensation in respect of the claimants/widow and minor son of the deceased as also the parents of the deceased who are impleaded as respondent nos.3 and 4 in terms of the following operative order:-

> " **ORDER**
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> 1. The petition is partly allowed.
>
> 2. the opponent Nos. 1 and 2 viz. P. Palanikumar and Oriental Insurance Co. Ltd. are directed to pay jointly and severally compensation amount of Rs. 2,44,27,336/- (Rs. Two Crore Forty Four Lacs Twenty Seven Thousand Three Hundred Thirty Six only) inclusive of NFI amount along with interest @ 7% per annum from the date of the petition till realization of the entire amount, to the claimants.
>
> 3-(a) Out of the total amount of compensation of Rs. Rs. 2,44,27,336/- along with interest, share of the claimant Nos. 1 and 2 and opponent Nos. 3 and 4 would be as follows:

(a)-i 40% to claimant No. 1.
(a)-ii 30% to claimant No. 2.
(a)-iii 15% each to opponent Nos. 3 and 4.

(b)-Out of an amount of compensation coming to the share of claimant No. 1, Rs. 25,00,000/- be kept in Fixed Deposit for 3 years in her name in any Nationalized Bank of her choice and rest of the amount be paid to her by issuing account payee cheque, on due verification.

(c) The 50% amount of compensation coming to the share of minor claimant No. 2. be kept in Fixed Deposit in his name in any Nationalized Bank, till he attains majority and rest of the amount be paid to him by issuing account payee cheque, on due verification.

(d) Claimant No. 1 is entitled to get quarterly interest on the amounts kept in the fixed deposits in her name and in the 1 name of minor claimant No. 2 and shall use the same for their well being.

(e) Out of an amount of compensation coming to the share of opponent No. 3 and 4, 50% of each be kept in Fixed Deposit in their respective names in any Nationalized Bank of their choice for the period of three years and rest 50% each be paid to them by issuing account payee cheque, on due verification.

4] Award be drawn up accordingly.

4. Accordingly the aforesaid compensation as awarded would indicate the following status of the amounts which are awarded, including the amounts which are lying in Fixed Deposit. Such statement has been very fairly furnished by learned counsel for the insurance company, which is extracted hereunder:-

Apportionment Calculations		
Claimant Number	**Amount Apportioned (%)**	**Amount (INR)**
Claimant 1	40	9770935
Claimant 2	30	7328201
Claimant 3	15	3664100
Claimant 4	15	3664100
	Total	24427336

Amount To be Kept in Fixed Deposit		
Claimant Number	**Amount (%) & INR**	**Balance Amount (INR)**
Claimant 1	2500000	7270935
Claimant 2	3664100	3664101
Claimant 3	1832050	1832050
Claimant 4	1832050	1832050
Total	**6164100**	**18263236**
Withdrawal Amount		
Claimant 1	1817733.75	3635467.5
Claimant 2	916025.25	1832050.5
Claimant 3	458012.5	916025
Claimant 4	458012.5	916025

5. From the aforesaid statement, it is seen that the compensation as awarded in favour of the parents is not a very large amount, 50% of which is kept in a Fixed Deposit as ordered by the MACT, Pune. Insofar as the compensation amounts as granted in favour of the widow and minor son are concerned, it is seen from the aforesaid statement that the amounts of Rs.25,00,000/- and Rs.36,64,100/- are maintained in Fixed Deposit and the balance amount which stands deposited with the MACT, Pune is an amount of Rs.72,70,935/- for applicant no.1/widow and Rs.36,64,101/- for the minor son.

6. Considering the nature of the financial requirements and the interest of justice, we are of the opinion that pending the adjudication of the appeal, the following order for withdrawal of the amounts would be fair and reasonable mitigation. We accordingly dispose of both these applications in the following terms:-

ORDER

i. Out of the balance amount as deposited with the MACT and without disturbing the amounts kept in FD as directed by the MACT, Pune, applicant nos.1 and 2 are permitted to withdraw an amount of Rs.50 Lakhs and Rs. 25 Lakhs respectively (along with accrued interest) which shall be without prejudice to the rights and contentions of the parties, as also an usual undertaking to be furnished by these applicants.

ii. Insofar as the parents/applicants in I.A. No. 1166 of 2025 are concerned, they are permitted to withdraw 50% of the amount which is lying deposited namely an amount of Rs.9,16,025/- for applicant no.1 and Rs. 9,16,025/- for applicant no.2 along with the proportionate accrued interest on the said amount on furnishing an usual undertaking.

iii. Interim applications stand disposed of in the aforesaid terms. No costs.

iv. The Registry of MACT, Pune to take appropriate steps to permit the withdrawal of the amounts as directed within a period of two weeks from the date of presentation of this order before the concerned officer.

7. As challenge to the impugned award is only on the quantum, the parties can be heard finally on the appeal on the adjourned date of hearing.

8. Stand over to **27 June 2025**.

9. Permission to file a private paper-book.

(ADVAIT M. SETHNA, J.) **(G. S. KULKARNI, J.)**