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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO.1660 OF 2025
IN
FIRST APPEAL ST. NO.3665 OF 2023

Smita Santosh Zagade & Ors. ...Applicants
vs.
The United India Insurance Company Ltd. ...Respondent

Mr. Shreyash Sudhir Butala for the Applicants-claimants.

Mr. Nikhil Mehta i/b KMC Legal Venture for the Respondent.

CORAM : SHYAM C. CHANDAK, J.

DATED : 11th FEBRUARY, 2025

P. C. :

. Present Application is filed for permission to withdraw the compensation amount.

2) Heard learned Counsel for the Applicants/Claimants and learned Advocate for the Respondent-Appellant. Perused the Application.

3) Pursuant to the impugned Judgment and Order dated 23rd May, 2022 passed by the Motor Accident Claims Tribunal, at Khed, District Ratnagiri in M.A.C.P. No.33 of 2019, the Respondent/Appellant - Insurance Company has deposited the entire compensation amount. The said compensation has been apportioned amongst the Applicant Nos.1 to 4 in ratio 30 : 30 : 30 : 10, respectively.

4) Learned Advocate for the Applicants submits that the withdrawal is needed to meet domestic needs, medical expenses and education expenses of Applicant Nos.2 and 3. But the Applicant Nos.2 and 3 are minor. The Tribunal has permitted the Applicant No.1 to receive monthly interest on the compensation amounts of Applicant Nos.2 and 3 which have been kept in the fixed deposit in their names.

5) In view thereof, Applicants Nos.1 and 4 are permitted to withdraw 50% of the compensation amount of their share deposited by the Respondent-Appellant with the Tribunal along 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 the remaining 50% of the amount with a Nationalised bank giving highest interest from time to time.

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

7) Interim Application No.1660 of 2025 stands disposed of.

[SHYAM C. CHANDAK, J.]