

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

**INTERIM APPLICATION NO. 4104 OF 2025
IN
FIRST APPEAL NO.1879 OF 2024**

Vithabai Sambhaji Tambe and Ors.	 Applicants
<u>In the matter between :-</u>	
National Insurance Co. Ltd., Mumbai	 Appellant
V/s.	
Vithalbai Sambhaji Tambe and Ors.	 Respondents

**WITH
INTERIM APPLICATION NO. 14494 OF 2024
IN
FIRST APPEAL NO.1879 OF 2024**

National Insurance Co. Ltd., Mumbai	 Applicant
V/s.	
Vithabai Sambhaji Tambe and Ors.	 Respondents

Ms. S.S. Dwivedi for the Appellant.
Mr. Mahindra Deshmukh for Respondent Nos.1 to 7.

CORAM : SHYAM C. CHANDAK, J.

DATED : 25th MARCH, 2025

P.C. :-

ORDER IN INTERIM APPLICATION NO. 4104 OF 2025 :-

- . Heard learned Advocates for the respective parties.
- 2) By this Application, the Applicants/Original Respondent Nos.1 to 7 seeking permission to withdraw the compensation amount with accrued interest.
- 3) The Application is opposed by the learned Advocate for the Appellant.

4) The withdrawal is sought on the ground that the deceased was the sole bread winner of the family and after his death, the entire family is facing financial difficulties. The Applicant Nos.2 to 5 are studying in school. The Applicant No.1, the mother, requires the money for their schooling, day-to-day expenses and fulfilling basic needs of the family. That, the Applicant No.7, father of the deceased is aged 84 years and he needs the money for his medical treatment, etc.

5) However, the Applicant Nos.2 to 5 being minors, the Applicant No.1 is permitted to withdraw the interest accruing on the compensation amount of the said Applicant Nos.2 to 5 which is lying in the fixed deposit.

6) In view thereof and considering the grounds stated in the Application, the Applicant Nos.1 and 7 are permitted to withdraw 50% of the compensation amount of their share along with proportionate interest accrued thereon, subject to furnishing usual undertaking that in case the Appellant succeeds in this Appeal, the Applicant Nos.1 and 7 would refund the said amount along with interest as would be directed by this Court. The Tribunal shall invest the remaining compensation amount with nationalized bank giving highest interest from time to time.

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

8) Interim Application stands disposed of.

ORDER IN INTERIM APPLICATION NO. 14494 OF 2024 :-

9) Since the entire amount of compensation is deposited by the

Appellant – Insurance Company and the Applicant Nos.1 and 7 are permitted to withdraw 50% of the compensation amount, the interim stay granted *vide* Order dated 21st November, 2024 stands confirmed in terms of prayer clause (a).

10) Interim Application stands disposed of.

PREETI
HEERO
JAYANI

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PREETI HEERO
JAYANI
Date: 2025.03.27
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(SHYAM C. CHANDAK, J.)