

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 7550 OF 2025

IN

FIRST APPEAL NO. 1579 OF 2024

Sefali Majhar @ Mujahar Ali & Ors.

..... Applicants

IN THE MATTER BETWEEN

M/s. Magma General Insurance Co. Ltd.

..... Appellant

VERSUS

Sefali Majhar @ Mujahar Ali & Ors.

..... Respondents

Smt. Varsha Chavan for the Applicants.

Mr. T. R. Kale i/b. Mr.Pandit Kasar for the Respondents.

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, Mumbai.

2) Appellant - Insurance Company has not filed reply opposing this Application.

3) The Applicants submits that due to the unfortunate

accident, they have suffered financially and mentally. The Applicants 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 Interim Application. According to me, in the interest of justice, it would be appropriate if the Applicants are permitted to withdraw 60% of the decretal amount deposited by the Insurance Company as per the ratio mentioned in the impugned judgment and award dated 16 April, 2024.

5) The 60% of the decretal amount awarded to the Applicants is allowed to be withdrawn, upon furnishing an undertaking before the MACT to the effect that if he fails in this First Appeal, he will return the amount with interest, at such rate as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.

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

7) Balance amount shall be invested in the fixed deposit of a nationalized bank initially, for a period of one year and thereafter for like period depending the pendency of this Court.

- 8) All the parties to act on an authenticated copy of this order. Issuance of certified copy of the order is expedited.
- 9) The interim application is accordingly **disposed of**.

[RAJESH S. PATIL, J.]