

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR
WRIT PETITION NO.7843/2023

Priya Gagan Grower and ors. .Vs. Meena Praveen
 Maloo and ors.

Office Notes, Office Memoranda of Coram,
 appearances, Court's orders of directions
 and Registrar's orders

Court's or Judge's orders

Mr. M. B. Bhangde, Senior Advocate assisted by Mr. S. S. Sarda,
 Advocate for petitioners.

Mr. M. G. Sarda, Advocate for respondent Nos. 1 and 2.

CORAM : ANIL L. PANSARE, J.

DATE : JANUARY 28, 2025

Having heard at length, counsel for respondent Nos. 1 and 2, on instructions, submits that respondent Nos.1 and 2, have no objection if 50% of the Sum Assured viz. Rs.10 Crores along with interest, is given to petitioner No.2 by keeping open the claim made by respondents against the said Policy to the extent of 50%.

2. In the circumstances and considering the nature of controversy, which indicates that arguable issues are involved but the result either way will have petitioners at least 50% share in the Sum Assured and since petitioners have no objection if amount of 50% is released in favour of petitioner No.2, the purpose will be served if arrangement is so made. Accordingly, following order is passed.

ORDER

(i) The Trial Court shall permit petitioner No.2 to withdraw 50% of the Sum Assured under the Policy along with accrued interest thereon against the claim made by her as regards benefits of the Policy. The remaining 50% shall be paid to the party concerned, as and when the claim to that effect is adjudicated.

The petition is disposed of in above terms. No order as to costs.

(Anil L. Pansare, J.)