

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

**FIRST APPEAL (ST.) NO.13854 OF 2011
WITH
CIVIL APPLICATION NO.3067 OF 2011
WITH
CIVIL APPLICATION NO.3068 OF 2011
WITH
CIVIL APPLICATION NO.3069 OF 2011
WITH
CIVIL APPLICATION NO.21 OF 2015**

The Oriental Insurance Company Limited ... Appellant
vs.
Rosy Paulose and Others ... Respondents

Mr. Devendra Joshi, for the Appellant-Insurance Company.
Ms. Pooja Kamat i/b. Mr. A.M. Gokhle, for Respondent Nos.
1, 2, 6 and 7.

CORAM: MRS.MRIDULA BHATKAR, J.

DATE: 17th FEBRUARY, 2016

P.C.:

C.A. No. 3067 of 2011

. This application is moved for stay to the execution and implementation of the judgment and award dated 19th November, 2010 passed by the learned Member, M.A.C.T., Mumbai in M.A.C.P. No. 2459 of 2002. The learned counsel for the Appellant-Insurance

Company submits that the Insurance Company has deposited the entire amount of the award along with the interest accrued thereon. He prays that therefore the interim stay granted by this Court vide order dated 22nd December, 2011 be made absolute.

2. In view of the above submission, the interim stay granted to the execution and operation of the judgment and award dated 19th November, 2010 is made absolute pending Appeal.

3. Accordingly, Civil Application No. 3067 of 2011 stands disposed of.

C.A. No. 3068 of 2011

4. This Civil Application is moved for condonation of delay of 52 days. For the reasons mentioned in para 4 of the application and in view of the controverted submissions of the learned counsel, the Civil Application is allowed.

5. The delay is hereby condoned. Appeal be registered.

C.A. No. 21 of 2015

6. This application is moved for withdrawal of the amount. The learned counsel for the Applicants submit that the Applicant No. 1 is the widow of the deceased. She is now 66 years old and needs money for her medical treatment and other expenses.

7. The learned counsel for the Insurance Company opposes the application.

8. In view of the above, the Applicant No. 1 Rosy Paulose is allowed to withdraw Rs. 4 lacs from the deposited amount of compensation on usual undertaking before the Tribunal.

9. Accordingly, Civil Application stands disposed of.

10. Stand over to 9th March, 2016 for admission.

(MRS.MRIDULA BHATKAR, J.)