

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

**CIVIL APPLICATION NO.3463 OF 2015
IN
REJECTED CASE NO.1101 OF 2015**

Smt.Rajlaxmi Shankar Mahashe & Ors. ..Applicants

V/s.

The National Insurance Co. Ltd. ..Respondent

Mr.Sagar Batavia i/by Mr.R.N. Sanghavi for the Applicant in CAF
No.3463 of 2015.

CORAM : M. S. SONAK, J.

DATE : 27 JANUARY 2017.

P.C.

1. Mr.Sagar Batavia learned counsel for applicant in Civil Application No.3463 of 2015 for withdrawal of compensation submits that the Civil Application No.1950 of 2007 seeking condonation of delay in instituting the main appeal was dismissed on 29-07-2011. He submits that there is no application made by the original applicants/appellants for restoration. However, because, no formal order was passed deposing of Civil Application No.3463 of 2015, the MACT (Executing Court) is not permitting withdrawal of the amount. He accordingly submits that it be clarified that the main appeal is no longer pending in this Court and record and

proceedings should also be sent to the Executing Court, so that, the claimants can execute the impugned award.

2. The request is reasonable. Since, the First Appeal is itself dismissed consequent upon dismissal of application for condonation of delay, Civil Application No.3463 of 2015 does not survive and the same is disposed of. The registry to forward record and proceedings to the MACT, Pune within a period of four weeks from today. The MACT, Pune to make appropriate orders in the execution proceedings taken out/to be taken out by the claimant. If the appellants have deposited any amount towards the satisfaction of the impugned award, the same have to be paid to the claimants in accordance with the impugned award.

3. The praecipe is disposed of. All concerned to act on the basis of authenticated copy of this order.

(M. S. SONAK, J.)