

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

**FIRST APPEAL (ST.) NO. 15501 OF 2017
WITH
CIVIL APPLICATION NO. 2921 OF 2017
WITH
CIVIL APPLICATION NO. 2922 OF 2017
IN
FIRST APPEAL (ST.) NO. 15501 OF 2017**

Reliance General Insurance Co. Ltd. ...Applicant

Versus

Sonam Sanjay Jain & Ors. ...Respondents

WITH

**FIRST APPEAL (ST.) NO. 15501 OF 2017
WITH
CIVIL APPLICATION NO. 2923 OF 2017
IN
FIRST APPEAL (ST.) NO. 15501 OF 2017**

Sonam Sanjay Jain & Ors. ...Applicants

IN THE MATTER BETWEEN

Reliance General Insurance Co. Ltd. ...Appellant

Versus

Sonam Sanjay Jain & Ors. ...Respondents

.....

Ms.Poonam Mital for the Applicant.

Mr.Bhushan Walimbe for the Applicants in CAF No. 2923 of 2017.

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CORAM: MRS.MRIDULA BHATKAR, J.

DATED : NOVEMBER 07, 2017

P.C. :

1. Upon urgent mentioning, taken on Production Board.
2. Civil Application No. 2921 of 2017 is filed for condonation of delay of 76 days in preferring the appeal. Issue notice to the respondents, returnable on 19.12.2017.

CIVIL APPLICATION NO. 2922 OF 2017: -

3. By this Civil Application, the applicant/insurance Company seeks stay to the operation and execution of the impugned judgment and award dated 14.11.2016 passed by the Motor Accident Claims Tribunal, Pune, in MACP No. 172 of 2013. The learned Counsel for the applicant submits that the insurance Company has already deposited the entire decretal amount alongwith interest accrued thereon.

4. In view of the above, the operation and execution of the impugned judgment and award dated 14.11.2016 passed by Motor Accident Claims Tribunal, Pune is stayed, pending the Appeal.

5. Civil Application is disposed of accordingly.

CIVIL APPLICATION NO. 2923 OF 2017

6. This application is moved for withdrawal of the amount, which is deposited by the respondent – insurance company, pursuant to the judgment and award dated 14.11.2016 passed by the learned Member, Motor Accident Claims Tribunal, Pune, awarding compensation of Rs.42,70,000/- alongwith interest @ 9% p.a.

7. Learned counsel for the applicants submits that it is a death claim. The applicants are widow, minor children and father of the deceased. He further submits that the applicants are in need of money. The applicants have not received any amount except no fault liability.

8. Learned counsel for the insurance company opposes this application and submits that the Appeal is filed on the point of quantum, negligence, validity of the driving licence and the driver of the offending vehicle was under influence of Alcohol.

9. In view of the above submissions, applicant nos. 1 and 3 are allowed to withdraw 50% of the amount of compensation, as per their entitlement alongwith interest accrued thereon on an usual undertaking. The remaining amount shall be deposited in a fixed deposit with any nationalized Bank.

10. Civil Application is disposed of accordingly.

(MRIDULA BHATKAR, J.)