

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****FIRST APPEAL NO.1688 OF 2012
WITH
CIVIL APPLICATION NO.4258 OF 2012
IN
FIRST APPEAL NO.1688 OF 2012**

ICICI Lombard General Insurance Company Limited ...Appellant

vs.

Mr. Laxman Balbhim Devkate & Anr. ...Respondents

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Mr. Nikhil Mehta, i/b. KMC Legal Venture, for the Appellant/Applicant.

None for the Respondents.

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CORAM : S.C. GUPTE, J.

DATED : 17 APRIL 2017

P.C. :

. This First Appeal challenges an award passed by MACT, Pune in M.A.C.P. No.415 of 2008. By the impugned award, the Court granted total compensation of Rs.2,28,160/- to Respondent No.1 (Original Applicant). It is submitted by learned Counsel for the Appellant, on instructions, that the entire decretal amount has been deposited, along with interest with MACT, Pune. Rule was issued both in the First Appeal and the Civil Application for stay of execution. The Rule, however, could not be served on Respondent No.1, who is the sole contesting Respondent in the matter. A substituted service was, thereupon, sought from this Court, which was also granted by the Court. Despite such substituted service being allowed, there was no publication

of the notice. The First Appeal has accordingly stood dismissed as against Respondent No.1. In the premises, and particularly considering that the amount of compensation, which is awarded by the Trial Court is a reasonable sum (the only contest in the First Appeal being about the quantum), no purpose will be served in prosecuting this appeal further. Respondent No.2, in any event, despite service, is not appearing before the Court. The main cause is to be shown by Respondent No.1, against whom the appeal has already stood dismissed. The First Appeal is, in the premises, dismissed. The amount of Rs.25,000/- deposited by the Appellant Insurer before this Court, as a pre-condition for filing of the First Appeal, shall be transferred to the Registrar, MACT, Pune. The first Respondent (Original Applicant) shall be entitled to withdraw the amount deposited by the Appellant before MACT, Pune as well as the amount transferred to MACT, Pune in pursuance of the order passed today.

(S.C. GUPTE, J.)