

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

**CIVIL APPLICATION NO.4022 OF 2016
IN
FIRST APPEAL NO.1139 OF 2015**

Smt.Liladevi Vinodprasad Mandal & Ors. ..Applicants

IN THE MATTER BETWEEN

United India Insurance Co. Ltd. ..Appellant

V/s.

Smt.Liladevi Vinodprasad Mandal & Ors. ..Respondents

Mr.D.S. Joshi for the Applicants.

Mr.R.Mehta i/by KMC Legal Venture for the Respondent.

CORAM : M. S. SONAK, J.

DATE : 27 JANUARY 2017.

P.C.

1. With the consent and the request of the learned counsel for the parties the First Appeal is taken up for final disposal.

2. Mr.Mehta, the learned counsel for the appellant has pressed only the following ground which is recorded as (t) in the Memo of Appeal.

“t. The Learned Member has himself observed in Para No.14 of the judgment that the Petition was initially

dismissed by the Tribunal on 28-01-2014 after which the Respondent No.1 to 3 filed the application for restoration on 26-02-2014 and the said application came to be allowed on 07-10-2014 hence it was wholly unfair and illegal on the part of the Learned Member to have awarded the interest for this period also.”

3. Mr.Joshi the learned counsel for the respondent-claimants on the instructions of the claimants states that the claimants will have no objection if the interest for the period between 28-01-2014 and 07-10-2014 is denied to the claimants, since, during this period, the claim petition had stood dismissed for non-prosecution.

4. In view of the aforesaid, the impugned award is modified only by way of declaring that no interest shall be payable to the claimants upon the awarded amount for the period between 28-01-2014 and 07-10-2014. Save and accept this modification, the impugned judgment and award is confirmed.

5. Mr.Joshi submits that the direction in clause 3 of the impugned award with regard to investment be modified and the entire amount stated therein to be paid to respondent No.1 the

widow. There is no reason to modify the impugned award. In fact, the direction is quite in the interest of all the parties and therefore, the request for modification at the behest of the learned counsel for respondent No.1 is declined.

6. The appeal is disposed of. The Civil Applications if any are also disposed of.

7. The amount of Rs.25,000/- deposited in this Court may be transmitted to MACT, Vasai within a period of four weeks from today. The MACT, Vasai to permit withdrawals strictly in accordance with the impugned judgment and award dated 07-07-2015, as now modified by this Court.

8. All concerned to act on the basis authenticated copy of this order.

(M. S. SONAK, J.)