

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

FIRST APPEAL ST.NO.33333 OF 2017
WITH
CIVIL APPLICATION NOS.48, 49 AND 4275 OF 2018

Bajaj Allianz General Insurance Co. Ltd.

-vs-

Arjun Sambhaji Takbhate and ors.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Shri Sarthak S. Diwan, Advocate for appellant.
Shri Chetan Alai, Advocate for respondent Nos.1 and 2.

CORAM : A.S.CHANDURKAR, J.
DATE : December 12, 2018

Civil Application No.48 of 2018

Though the prayer for condoning delay is opposed by the learned counsel for respondent Nos.1 and 2, considering reasons mentioned, the delay in filing the First Appeal stands condoned.

Civil Application is allowed and disposed of.

First Appeal St. No. 33333 of 2017

Heard.

Issue notice, returnable on 04/03/2019.

Shri Chetan Alai, learned counsel waives notice on behalf of respondent Nos.1 and 2.

Call for record and proceedings in the meanwhile.

The amount of statutory deposit be transferred to the Claims Tribunal.

Civil Application No.49 of 2018

As the entire amount of compensation has been deposited with the Claims Tribunal, the execution of the impugned award shall remain stayed during pendency of the appeal.

Civil application is allowed and disposed of.

Civil Application No.4275 of 2018

Perused the application and heard the learned counsel.

In the facts of the case the claimants are permitted to withdraw 50% of the amount of compensation as deposited with accrued interest on furnishing undertaking within eight weeks that in case the appeal is allowed, said amount shall be repaid with interest at such rate the Court may direct. The remaining amount shall be invested in Fixed Deposit.

Civil application is disposed of.

(A.S.CHANDURKAR, J.)