

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

**CIVIL APPLICATION NO. 2267 OF 2017
WITH
CIVIL APPLICATION NO. 2268 OF 2017
WITH
CIVIL APPLICATION NO. 4194 OF 2018
IN
FIRST APPEAL STAMP NO. 17041 OF 2017**

Reliance General Insurance Company Ltd.	... Applicant
Versus	
Arun Eknath Mahamane and others	... Respondents

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Mr. Nikhil Mehta, Advocate i/b KMC Legal Ventures, Advocate for the Appellants-Applicants.

Mr. Rushikesh Kale, Advocate for Respondent Nos.1 and 2 and for Applicant in CA No.4194 of 2018

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CORAM : A. S. CHANDURKAR, J.

DATE : 5th DECEMBER, 2018.

P. C.:

CIVIL APPLICATION NO. 2267 OF 2017

1. Though the prayer for condoning delay is opposed by the learned Counsel for the respondent Nos.1 and 2, considering the reasons mentioned, delay in filing the First Appeal stands condoned.
2. The civil application is allowed and disposed of.

FIRST APPEAL STAMP NO. 17041 OF 2017

1. Issue notice to the respondents, returnable on 4th March, 2019.
2. Mr. Kale, learned Counsel waives notice for respondent Nos.1 and 2.
3. In the meanwhile, call for the Record and Proceedings.

CIVIL APPLICATION NO. 2268 OF 2017

1. As the applicant has deposited the entire amount of compensation, the execution of the impugned award shall remain stayed during pendency of the appeal.
2. The civil application stands disposed of.

CIVIL APPLICATION NO. 4194 OF 2018

1. Heard learned Counsel for the parties.
2. Perused the impugned judgment and award. In the facts of the case, the claimants are permitted to withdraw 50% of the amount of compensation as deposited. The claimants shall file undertaking within six weeks from today that if the appeal is allowed, the amount so withdrawn shall be repaid with interest at such rate the Court may direct. The remaining amount shall be invested in a fixed deposit.
3. Civil application is disposed of.

(A. S. CHANDURKAR, J.)